EXPLANATORY MEMORANDUM TO

THE NATIONAL HEALTH SERVICE (PERFORMERS LISTS) (ENGLAND) (AMENDMENT) REGULATIONS 2016

2016 No. 686

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The National Health Service (Performers Lists) (England) (Amendment) Regulations 2016 amend the National Health Service (Performers Lists) (England) Regulations 2013 (S.I. 2013/335) ("the 2013 Regulations") with effect from 1 September 2016.

2.2 Regulation 2 amends regulation 30 of the 2013 Regulations to provide that a period of full-time foundation training shall be a period of at least one year but cannot exceed a period of two years.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments.

3.1 None

Other matters of interest to the House of Commons

3.2 As this instrument is subject to the negative procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

4.1 Dental Foundation Training is defined in the NHS Performers List Regulations (2013): as a period of employment, not exceeding one year.

4.2 The amendment is required to enable the extension of the duration of Dental Foundation Training if necessary.

5. Extent and Territorial Application

5.1 This instrument extends to England only.

5.2 This instrument applies to England only.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 Dental Foundation Training is defined in the NHS Performers List Regulations (2013): as a period of employment, not exceeding one year. Upon completion, a dentist is awarded a Certificate of Completion of Dental Foundation Training.

7.2 At present there is no standard formal or agreed process in England to assess the end point of dental foundation training. Introduction of a single national assessment process (Satisfactory Completion) by Health Education England for the 2016-17 academic year will support improved patient safety during the training programme and provide greater assurance that a national standard has been reached for entry to the National Performers List.

7.3 The proposed changes in the regulations will allow, in some cases, for a trainee who has not reached the expected quality standard to have their training period extended beyond the current one year period. They will undertake a further period of proportionate targeted training with additional supervision and support. This is the arrangement used for other postgraduate medical and dental programmes.

Consolidation

7.4 There are no plans to consolidate these regulations.

8. Consultation outcome

8.1 There is no statutory consultation requirement for amending the Performers Lists Regulations.

8.2 However, Health Education England (HEE) has carried out a formal consultation on the Satisfactory Completion of dental foundation training (DFT) and its processes. The results of the consultation can be found at the link below. A total of 273 responses were made to the online survey from a wide range of stakeholders. http://www.copdend.org//data/files/Downloads/SCDFT%20Responses%20to%20the%20National%20Consultation%20Exercise.pdf

8.3 HEE analysed the responses to the national consultation and, on balance, is satisfied that the implementation of Satisfactory Completion of Dental Foundation training, and assessment by a Review of the Competence Progression process is seen by the majority of stakeholders who responded to be both necessary and timely.

9. Guidance

9.1 The Department does not propose to issue guidance on the impact on these regulations.

9.2 Health Education England through the Committee of Postgraduate Dental Deans and Directors has issued guidance on Satisfactory Completion of Dental Foundation Training. The training Blue Guide sets out the Review of the Competence Progression (RCP) process and its outcomes and can be found at http://www.copdend.org//data/files/Guidance/Blue%20Guide%20Guidance%20Supplement%20Pilots%20V3261115.pdf

10. Impact

10.1 There is no impact on impact on business, charities or voluntary bodies.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to activities that are undertaken by small businesses.

12. Monitoring & review

12.1 This will be the ongoing role of the Committee of Postgraduate Dental Deans and Directors.

13. Contact

13.1 Amit Bose at the Department of Health Telephone: 020 7210 5431 or email amit.bose@dh.gsi.gov.uk can answer any queries regarding the instrument.