

1993 No. 401

HEALTH AND PERSONAL SOCIAL SERVICES

**General Dental Services (Amendment)
Regulations (Northern Ireland) 1993**

Made 28th September 1993

Coming into operation 1st October 1993

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 61(1), (2) and (2AA), 106, and 107(6) of the Health and Personal Social Services (Northern Ireland) Order 1972(a) and of all other powers enabling it in that behalf, and in conjunction with the Department of Finance and Personnel, and after consultation with such organisations as appeared to the Department to be representative of the Dental profession as required by Article 61(4) of the said Order, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the General Dental Services (Amendment) Regulations (Northern Ireland) 1993 and shall come into operation on 1st October 1993.

(2) In these regulations, “the principal regulations” means the Health and Personal Social Services General Dental Services Regulations (Northern Ireland) 1993(b).

Amendment of regulation 2 of the principal regulations

2. In regulation 2 of the principal regulations (interpretation) the following definitions shall be inserted in the appropriate places in the alphabetical order—

“appeal body” means a body prescribed in regulation 5D;

“approved trainer” means a dentist on a dental list approved by a postgraduate dental dean or a Director of postgraduate dental education as being a dentist who has the requisite skills and suitable practice facilities to enable him to act as a trainer;

“the Council” means the Northern Ireland Council for Postgraduate Medical and Dental Education;

“vocational training” means a period of one year’s full-time employment (or an equivalent period of part-time employment) during which a

(a) S.I. 1972/1265 (N.I. 14) as amended by Article 13 of S.I. 1978/1907 (N.I. 26); Articles 30, 34 and 35 of, Part I of Schedule 5 to, and Part I of Schedule 6 to, S.I. 1991/194 (N.I. 1)

(b) S.R. 1993 No. 326

dentist is employed under a contract of service by an approved trainer to provide a wide range of dental care and treatment and to attend such study days as that contract requires with the aim and objectives set out in Schedule 10;

“vocational training certificate” means a certificate, confirming that a dentist has completed vocational training, signed in Northern Ireland, England or Wales by a postgraduate dental dean or Director of postgraduate dental education or by a Director of the Royal Dental Naval Service or the Director of the Royal Army Dental Corps or the Director of the Dental Branch of the Royal Air Force, and in Scotland by the Chairman of the Scottish Dental Vocational Training Committee or by a Regional General Dental Practice Vocational Training Adviser;

“vocational training number” means the number allocated to a dentist by the Council in accordance with regulation 5A, or by a Family Health Services Authority in England and Wales, or by a Health Board in Scotland;

“voluntary vocational training certificate” means a vocational training certificate or a letter confirming that a dentist had completed vocational training on or before the 30th September 1994 and signed in Northern Ireland by the Adviser in Vocational Training, or in either case, in England and Wales, by a postgraduate dental dean or Director of postgraduate education, or in Scotland by the Chairman of the Scottish Dental Vocational Training Committee or an officer of a Regional Committee for Postgraduate Dental Education.

Amendment of regulation 5 of the principal regulations

3. Regulation 5 of the principal regulations (application for inclusion in the dental list) shall be amended as follows—

(1) In paragraph (1)—

(a) at the beginning there shall be inserted “Subject to paragraph (3),”; and

(b) in sub-paragraph (a)(i), after “5” there shall be inserted “, 5A”.

(2) In paragraph (2), at the beginning, there shall be inserted “Subject to paragraph (4),”.

(3) After paragraph (2) there shall be inserted—

“(3) Where a dentist who wishes to have his name included in the dental list does not have a vocational training number—

(a) paragraph (1) shall apply as if “5A” were omitted from sub-paragraph (a)(i) of that paragraph; and

(b) in addition to his application under paragraph (1) as so modified he shall also apply to the Council for a vocational training number;

and his application for a vocational training number shall be dealt with in accordance with regulation 5A before the Board determines his application under paragraph (1).

(4) Paragraph (2) shall not apply to the application under paragraph (1) of a dentist who does not have a vocational training number until such a number has been allocated to him.”.

Applications for vocational training numbers.

4. After regulation 5 there shall be inserted the following new regulations—

“Applications for vocational training numbers

5A.—(1) An application for a vocational training number shall be in writing and shall—

- (a) state that the dentist has also made an application under regulation 5(1); and
 - (i) specify the Board to which that application has been made; and
 - (ii) state the date on which it was made; and
- (b) state that the dentist has completed vocational training and be accompanied by his vocational training certificate; or
- (c) state that the experience or training which the dentist has acquired ought to be regarded as equivalent to vocational training and be accompanied by written details of that experience or training; or
- (d) state that the dentist is exempt from the requirement to have completed vocational training on one of the grounds set out in paragraph (4) and be accompanied by written details in support of that statement.

(2) All applications under paragraph (1) shall be considered and determined without an oral hearing and without the attendance of the applicant.

(3) For the purposes of paragraph (1)(c) experience or training shall not be prevented from being equivalent to vocational training merely because the structure of the experience or training does not comply exactly with the definition of vocational training.

(4) The grounds upon which a dentist is exempt from the requirement to have completed vocational training are—

- (a) he is registered as a dentist, by virtue of section 15(1)(b) of the Dentists Act (registration of nationals of member States who hold appropriate European diplomas) or is in any other way a person in respect of whom a member State is prohibited by Community law from imposing such a requirement; or
- (b) his name has been included in a dental list in the United Kingdom within the period of five years ending on the date of his application to be included in the dental list; or
- (c) he holds a voluntary vocational training certificate dated on or after—
 - (i) 1st August 1989 in the case of a certificate issued in Northern Ireland;

- (ii) 1st January 1988 in the case of a certificate issued in England and Wales; or
 - (iii) 1st July 1988 in the case of a certificate issued in Scotland; or
 - (d) he has practised in primary dental care for a period of at least four years in the aggregate in either the community dental service or the armed forces of the Crown and part of that aggregate period must have fallen within four years of the date of his application under paragraph 5(1); or
 - (e) in the case of any application made before 1st October 1998, he was on 1st October 1993, employed as a Senior House Officer or Registrar in a hospital in the United Kingdom or enrolled on a course intended to lead to a Master's degree in dentistry or Membership Diploma in dentistry of any of the Royal Colleges of Surgeons in the United Kingdom.
- (5) In paragraph (4)—
- (a) in sub-paragraph (d), “primary dental care” means care and treatment delivered by the dentist at the first point of contact with the patient, and the “community dental service” means the dental service provided in Northern Ireland under Articles 5(1)(c), 9(1)(a) and (1A) of the Order^(a) and administered by Health and Social Services Boards and Health and Social Services Trusts, and in England and Wales, under sections 3(1)(c), 5(1)(a) and (1A) of the National Health Service Act 1977^(b) and administered by District Health Authorities or National Health Service Trusts, and in Scotland under section 1 and 39(2) of the National Health Service (Scotland) Act 1978^(c) and administered by Health Boards or National Health Service Trusts, and
 - (b) in sub-paragraph (e), “Membership Diploma” means any postgraduate dental qualification which is registrable with the General Dental Council.
- (6) An application for a vocational training number shall be granted if the applicant—
- (a) has had a vocational training certificate issued to him; or
 - (b) has acquired experience or completed training which ought to be regarded as equivalent to vocational training; or
 - (c) is exempt from the requirement to have completed vocational training on one of the grounds set out in paragraph (4) above.
- (7) The Council shall determine whether an applicant for a vocational training number comes within one of sub-paragraphs (b) to (d) of paragraph (1) and, if the Council determines that he does, it shall allocate to him a vocational training number, notify him of that number, and enter

(a) Article 9(1)(a) was amended by Article 6(2) of S.I. 1988/2249 (N.I. 24) and Article 9(1A) was inserted by Article 6(3) of that Order

(b) 1977 c. 49

(c) 1978 c. 29

the number against the name of the applicant in a register which it shall keep for that purpose.

(8) If the Council does not allocate a vocational training number to the applicant, it shall send him a notice to that effect together with a statement setting out the reasons why it has not done so and telling him about his right to appeal to the appeal body and giving particulars of the address to which an appeal, if made, must be sent.

Additional information

5B.—(1) The Council may request of any applicant additional information and documents in respect of any application, and where any such request is made—

- (a) it shall be in writing;
- (b) it shall specify a reasonable date by which the information or documents are to be provided; and
- (c) the applicant shall provide the additional information and documents requested within such reasonable time.

(2) If the applicant fails to provide the additional information and documents requested within the time specified by the Council, the Council may proceed to determine the application on the basis of the information and documents which it has before it.

Time for the determination of an application

5C.—(1) Subject to paragraph 2(b) an application under 5A(1)(b) or (d) may be considered by and may be determined by an officer designated for the purpose by the Council.

- (2) The designated officer shall either—
 - (a) grant the application within fourteen days of receipt and allocate a vocational training number to the applicant; or
 - (b) if he sees fit, refer the application for consideration and determination in accordance with paragraph (3).

(3) Any application under regulation 5A(1)(c), and any application referred in accordance with paragraph (2)(b), shall be considered and determined by a panel, formed for the purpose, by the Council.

- (4) An application under paragraph (3) shall be determined—
 - (a) where no additional information or documents are requested pursuant to regulation 5B within the period of 12 weeks beginning with the date on which the application is received, or
 - (b) where such additional information or documents are requested—
 - (i) within the period of 12 weeks beginning with the date on which such information or documents are received, or
 - (ii) where the applicant has failed to provide the additional information or documents requested, within the period of 12 weeks beginning with the date on which the period provided for in regulation 5B(1)(b) expired.

(5) The Council shall notify the applicant within 10 days of making its decision.

Appeal body for appeals against the refusal of a vocational training number

5D.—(1) The body prescribed for the purposes of Article 61(2AA) of the Order, to which appeals may be made in respect of a refusal to include a dental practitioner in a dental list because he has been refused a vocational training number, shall be appointed by the Department and shall consist of three persons of whom—

(a) one shall be a legally qualified person who shall be so appointed to be the Chairman; and

(b) two shall be dentists nominated by such organisation as appears to the Department to represent the dental profession.

(2) Any nomination for the purposes of paragraph (1) may be made either specially or generally.

(3) The Department shall appoint a person to act as secretary of the appeal body and may also appoint such other officers as may be deemed necessary.

Procedure on appeal

5E.—(1) A dentist whose application for a vocational training number has been refused by the Council may appeal against the refusal by giving to the appeal body, within 28 days after he has received notice of the Council's decision pursuant to regulation 5A(8) (or such extended period as the appeal body may allow pursuant to paragraph (2)), a written notice of appeal setting out a concise statement of the facts and contentions on which he intends to rely.

(2) The appeal body may agree to an extension or further extension of the period of 28 days for lodging an appeal (either before or after that period has expired).

(3) In connection with an appeal, the appeal body may require such further particulars from an appellant and such documents in support of his appeal, and may make such inquiries of such persons as it thinks fit.

(4) The appeal body shall send to the appellant a copy of any comments made by such persons in reply to those inquiries and shall give the appellant a period of 28 days beginning with the date on which the comments are sent to him in which to reply to such comments.

(5) The appeal body shall give notice to the appellant that he may, within such period as is specified in the notice, require the appeal body to give him an opportunity of appearing before and being heard by the appeal body.

(6) The appeal body shall appoint a date, time and place for the consideration of the appeal, and may, or shall if so required by the appellant, hold a hearing for that purpose.

(7) If a hearing is to be held, the appeal body shall appoint a date, time and place for the hearing, and, not less than 28 days before that date, shall

send notice to the appellant and to the Council informing them of the date, time and place.

(8) At a hearing by the appeal body, the appellant may appear and be heard in person or be represented by Counsel or Solicitor or by any other person on his behalf, and the Council may appear and be represented by Counsel or Solicitor or by any duly authorised member or officer.

(9) The appellant may withdraw his appeal at any time.

(10) Where the appellant does not appear at a hearing and is not represented, the appeal body may, if they are not satisfied that such failure to appear or be represented was due to a reasonable cause, treat any request for a hearing as having been withdrawn.

(11) The proceedings of the appeal body shall be in private.

(12) The appeal body shall determine the appeal and shall, within 10 days of that determination, notify the appellant and the Council in writing of their decision and the reasons for it.

(13) In arriving at their decision on the appeal the decision of the appeal body shall be the decision of a majority and shall be final.

(14) The provisions of Schedule 8 to the 1972 Order (which relate to the summoning of witnesses and the production of documents in connection with an inquiry held by the Department) shall apply for the purposes of any appeal held under this regulation as if it was an inquiry caused to be held by the Department and as if, in paragraphs 2, 3 and 4 of that Schedule, for the words "the person appointed to hold the inquiry" there were substituted the words "the Chairman of an appeal body appointed for the purposes of the General Dental Services (Amendment) Regulations (Northern Ireland) 1993".

(15) Where the Council receives notice that a dentist's appeal has been allowed, it shall allocate a vocational training number to the dentist, notify him of that number, and enter that number in its register of vocational training numbers.

(16) Subject to the foregoing paragraphs the procedure of the appeal body shall be such as that body thinks fit."

Amendment of regulation 7 of the principal regulations

5. In regulation 7(1) of the principal regulations (restrictions on the right to be included in the dental list) after paragraph (1) there shall be inserted—

"(1A) A dentist shall not be entitled to have his name included in the dental list if he does not have a vocational training number."

Amendment of regulation 36 of the principal regulations

6.—(1) The existing provision of regulation 36 of the principal regulations (service of documents) shall be paragraph (1) of that regulation, and in that paragraph—

(a) after "Agency", there shall be inserted "or the appeal body"; and

(b) at the end there shall be added "or, where the dentist is represented by Counsel or Solicitor or by any other person on his behalf for the

purpose of appealing against the refusal of a vocational training number, by delivering any document or notice relevant to the appeal to the Counsel or Solicitor or other person at his usual or principal professional address or sending it there by post.”.

(2) After paragraph (1) there shall be inserted—

“(2) Any notice or other document which is required or authorised by these regulations to be given or sent to the appeal body for the purposes of an appeal against a refusal to allocate a vocational training number may be given or sent by delivering it to the secretary of the appeal body.”.

Amendment to Part I of Schedule 3 to the principal regulations

7. In Part I of Schedule 3 to the principal regulations (information and undertaking to be included in an application for inclusion in the dental list) after paragraph 5 there shall be inserted—

“5A. His vocational training number.”.

Constituent elements in vocational training

8. After Schedule 9 to the principal regulation there shall be inserted the new Schedule 10 set out in the Schedule.

Sealed with the Official Seal of the Department of Health and Social Services on 28th September 1993.

(L.S.)

B. McGahan

Assistant Secretary

Sealed with the Official Seal of the Department of Finance and Personnel on 28th September 1993.

(L.S.)

E. Miller

Assistant Secretary

CONSTITUENT ELEMENTS IN VOCATIONAL TRAINING*Overall Aim*

To enhance clinical and administrative competence and promote high standards through relevant postgraduate training to meet the needs of unsupervised general dental practice, and:

1. To enable trainees to practise and improve their skills.
2. To introduce trainees to all aspects of general dental practice.
3. To identify a dentist's personal strengths and weaknesses and balance these through a planned programme of training.
4. To promote oral health and quality dental care for patients.
5. To further develop and implement peer and self review, and promote awareness of the need for continuing professional education.

Objectives

To enable the trainee:

1. To make competent professional decisions including referrals to other services.
2. To demonstrate a satisfactory approach to the ethics of general dental practice and the guidelines for confidentiality.
3. To implement regulations and guidelines for the delivery of safe practice.
4. To know how to obtain appropriate advice on, and practical experience of, legal and financial aspects of practice.
5. To demonstrate that he has acquired skill and knowledge in the psychology of patient care and can work successfully as a member of a practice team.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend the Health and Personal Social Services General Dental Services Regulations (Northern Ireland) 1993 (“the principal regulations”) by providing that a Health and Social Services Board shall not include any dentist in the dental list unless the Northern Ireland Council for Postgraduate Medical and Dental Education (“the Council”) is satisfied that he has completed a period of vocational training, or has acquired clinical dental experience which may be regarded as the equivalent of such training, or is within one of the specified categories of exemption from the vocational training requirements.

Where it is so satisfied the Council has the function of allocating a vocational training number to an applicant and the regulations provide for a right of appeal and for appeal procedures in cases where the Council determines not to allocate a vocational training number. The right of appeal is to a body prescribed in these regulations.

The regulations also provide for the procedures to be followed when the Council is determining an application for a vocational training number.

1993 No. 402

This Order has been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. A summary is given in the List of Statutory Rules of a Local Character under the heading ROADS.