

EXECUTIVE NOTE

THE NATIONAL HEALTH SERVICE (DISCIPLINE COMMITTEES) (SCOTLAND) AMENDMENT REGULATIONS 2010

SSI 2010/226

The above instrument was made in exercise of the powers conferred by sections 17P, 25(2), 26(2), 27(2), 105(7), 106(a) and 108(1) of the National Health Service (Scotland) Act 1978 and section 17 of the Health and Medicines Act 1988. The instrument is subject to negative resolution procedure.

Background

Health Boards may refer persons on family health services lists to NHS Discipline Committees for potential breaches of their terms of service. The sanctions which an NHS Discipline Committee may recommend are: a warning to comply more closely with terms of service, a withholding from remuneration or, for dentists only, a requirement to submit estimates for the prior approval of the Scottish Dental Practice Board for specific dental treatments for a specified period. Under the National Health Service (General Dental Services) (Scotland) Regulations 2010 (S.S.I 2010/208), dentists who assist with general dental service provision and dental bodies corporate undertaking to provide general dental services will join family health service lists held by Health Boards for the first time.

Policy Objectives

This is a consequential amending instrument whose main purpose is to extend the jurisdiction of NHS Discipline Committees to assistant dentists and dental bodies corporate. The instrument also substitutes reference to “the Administrative Justice and Tribunals Council” for reference to “the Council on Tribunals”. The updated name is provided for in the Tribunals, Courts and Enforcement Act 2009. Additionally, the instrument corrects a defect in the application of the National Health Service (Discipline Committees) (Scotland) Regulations 2006 (S.S.I 2006/330), to joint discipline committees.

Consultation

Views were sought from the statutory consultee, the Scottish Committee of the Administrative Justice and Tribunals Council, from the British Dental Association Scotland and, in respect of correction of the defect in the application of the National Health Service (Discipline Committees) (Scotland) Regulations 2006 (S.S.I 2006/330), from Optometry Scotland, Community Pharmacy Scotland and the Scottish General Practitioners’ Committee.

Financial Effects

There are only around 200 assistant dentists in Scotland and we are aware of only a small number of dental bodies corporate who wish to provide general dental services. Only a small number of referrals are made each year to NHS Discipline Committees and this will not change with this extension of jurisdiction. Financial effects on the Scottish Government and Health Boards will therefore be minimal.