

POLICY NOTE

THE GENERAL DENTAL COUNCIL (INDEMNITY ARRANGEMENTS) (DENTISTS AND DENTAL CARE PROFESSIONALS) RULES ORDER OF COUNCIL 2015

SI 2015 No. 1758

The above instrument was made in exercise of the powers conferred by sections 26A(4), (5) and (6), and 36L(4), (5) and (6) of the Dentists Act 1984. The instrument is subject to negative procedure.

Background

1. The rules scheduled to and approved by this Order, amend General Dental Council (GDC) legislation relating to registrant requirements to have appropriate indemnity arrangements in place. These rules have been made by the GDC in exercise of powers conferred by the Dentists Act 1984 (“the 1984 Act”). The 1984 Act was amended last year by the Health Care and Associated Professions (Indemnity Arrangements) Order 2014 (SI 2014/1887 – “the Indemnity Arrangements Order”) giving power to the GDC to make rules in relation to indemnity arrangements.
2. While the provisions in the 1984 Act relating to the regulation of dentists, dental hygienists and dental therapists are reserved to the UK Parliament, those relating to the regulation of dental nurses, dental technicians, clinical dental technicians and orthodontic therapists are considered to fall within the legislative competence of the Scottish Parliament. This is because dental nurses, dental technicians, clinical dental technicians and orthodontic therapists have been regulated since the coming into force of the Scotland Act 1998.

Policy Objective

3. The effect of the Indemnity Arrangements Order referred to in paragraph 1 above is that all practising healthcare professionals should have appropriate indemnity arrangements in place as a condition of their registration with their regulator. The GDC are making amendments to the 1984 Act in consequence of the requirement for their registrants to have a professional indemnity arrangement in place as a condition of their registration.
4. In terms of the detail of the amendments, the rules will enable the provision of information to the GDC’s Registrar about the indemnity arrangements that are or will be in place in relation to a person who intends to practise as a dentist or dental care professional when that person applies for registration, restoration or retention in the relevant register maintained by the GDC.
5. The GDC’s Registrar will therefore be able to request that applicants provide acceptable evidence or information about their professional indemnity arrangements. There are then powers in the 1984 Act which link to the rules and mean that the GDC will then be able to take appropriate action where a registrant did not

have a professional indemnity arrangement in place, or where a professional indemnity arrangement does not provide appropriate cover.

6. Further details of the proposed changes are set out in the attached Department of Health Explanatory Memorandum, in paragraph 7, headed “policy background”.

Consultation

7. The GDC carried out a public consultation between 8 December 2014 and 9 January 2015. The consultation document is available on the GDC’s website: ([http://www.gdc-uk.org/gdccalendar/consultations/pages/the-consultation-on-the-general-dental-council-\(indemnity-arrangements\)-\(dentists-and-dental-care-professionals\)-rules-order.aspx](http://www.gdc-uk.org/gdccalendar/consultations/pages/the-consultation-on-the-general-dental-council-(indemnity-arrangements)-(dentists-and-dental-care-professionals)-rules-order.aspx)).

8. The GDC received 23 responses to the consultation. The majority of respondents agreed with the draft Rules, but there was some concern at the proposed time limit of 14 days for the provision of further information. The suggestions for longer time limits was then considered and accordingly the proposed time limits were changed to 28 days. The GDC Council considered the responses to the consultation and agreed the Rules as proposed with the incorporation of the minor amendment to the time limits for providing information.

Guidance

9. The GDC already has guidance on the requirement to have a professional indemnity arrangement in place. The GDC will also be updating its guidance for applicants applying for, or renewing their registration on the requirement to have professional indemnity arrangements in place as a condition of registration.

Impact Assessment and Financial Implications

10. The GDC have confirmed that although there is no on-going cost impact to report, there will be some costs to implement for the GDC but this will not result in on-going costs for its registrants.

11. Additionally, there are no additional impacts to report on particular groups on the basis of equality.

Monitoring and Review

12. The GDC will keep the Rules being created by this legislation under on-going review.