OFFERYNNAU STATUDOL CYMRU

2020 Rhif 1207 (Cy. 272)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Rhestri Cyflawnwyr) (Cymru) (Diwygio) 2020

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau'r Gwasanaeth Iechyd Gwladol (Rhestri Cyflawnwyr) (Cymru) 2004 ("y prif Reoliadau"), yn benodol Rhan 4 o'r prif Reoliadau sy'n ymwneud â rhestri cyflawnwyr deintyddol, er mwyn adlewyrchu'r newid yn sefyllfa cyflogaeth deintyddion sylfaen.

Ar hyn o bryd, mae'r prif Reoliadau yn ei gwneud yn ofynnol i ddeintydd sylfaen, at ddibenion ymgymryd â hyfforddiant sylfaen, fod wedi ei gyflogi o dan gontract ar gyfer gwasanaethau gyda hyfforddwr cymeradwy, sy'n ddeintydd at ddibenion y prif Reoliadau.

O 1 Medi 2020, nid oes gan ddeintyddion sylfaen gontract cyflogaeth gyda hyfforddwr cymeradwy mwyach. Yn hytrach, bydd eu contract cyflogaeth gydag Ymddiriedolaeth GIG Prifysgol Felindre o dan gyfarwyddyd pwyllgor Partneriaeth Cydwasanaethau GIG Cymru a fydd yn gweithredu fel un cyflogwr arweiniol dros bob deintydd sylfaen yng Nghymru.

Mae'r Rheoliadau hyn yn diwygio'r prif Reoliadau er mwyn sicrhau bod y darpariaethau deddfwriaethol cymwys yn cyd-fynd â'r newid mewn polisi.

Mae rheoliad 2 yn diwygio rheoliad 28 (dehongli) o'r prif Reoliadau. Mae'n diwygio'r diffiniadau o "approved trainer" a "foundation training" i adlewyrchu'r symud i Ymddiriedolaeth GIG Prifysgol Felindre o dan gyfarwyddyd pwyllgor Partneriaeth Cydwasanaethau GIG Cymru fel un cyflogwr arweiniol dros ddeintyddion sylfaen. Mae diffiniadau o "HEIW", "NWSSP committee" a "Velindre University NHS Trust" hefyd wedi eu mewnosod yn rheoliad 28 o'r prif Reoliadau.

WELSH STATUTORY INSTRUMENTS

2020 No. 1207 (W. 272)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (Performers Lists) (Wales) (Amendment) Regulations 2020

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Performers Lists) (Wales) Regulations 2004 ("the principal Regulations"), specifically Part 4 of the principal Regulations relating to dental performers lists, to reflect the change to the employment position of foundation dentists.

The principal Regulations currently require that for the purposes of undertaking foundation training, a foundation dentist must be employed under a contract for services with an approved trainer, which for the purposes of the principal Regulations is a dentist.

From 1 September 2020, foundation dentists no longer hold a contract of employment with an approved trainer. Their contract of employment will instead be with Velindre University NHS Trust under the direction of the NHS Wales Shared Services Partnership committee who will act as a single lead employer for all foundation dentists in Wales.

These Regulations amend the principal Regulations to align the applicable legislative provisions with the change to policy.

Regulation 2 amends regulation 28 (interpretation) of the principal Regulations. It amends the definitions of "approved trainer" and "foundation training" to reflect the move to Velindre University NHS Trust under the direction of the NHS Wales Shared Services Partnership committee as single lead employer for foundation dentists. Definitions of "HEIW", "NWSSP committee" and "Velindre University NHS Trust" are also inserted into regulation 28 of the principal Regulations.

Mae rheoliad 3 yn diwygio rheoliad 30 o’r prif Reoliadau er mwyn ei gwneud yn ofynnol na chaiff deintyddion sylfaen, fel rhan o’r ymgymeriadau y mae’n ofynnol i’r deintydd sylfaen eu rhoi yn rheoliad 30(2), gyflawni unrhyw wasanaethau deintyddol sylfaenol ac eithrio wrth weithredu yn unol â’u contract cyflogaeth gydag Ymddiriedolaeth GIG Prifysgol Felindre.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â’r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o’r costau a’r manteision sy’n debygol o ddeillio o gydymffurfio â’r Rheoliadau hyn.

Regulation 3 amends regulation 30 of the principal Regulations so that it requires foundation dentists, as part of the undertakings the foundation dentist is required to give in regulation 30(2), not to perform any primary dental services except when acting in accordance with their contract of employment with Velindre University NHS Trust.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

OFFERYNNAU STATUDOL CYMRU

2020 Rhif 1207 (Cy. 272)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Rhestri Cyflawnwyr) (Cymru) (Diwygio) 2020

Gwnaed	*3 Tachwedd 2020*
Gosodwyd gerbron Senedd Cymru	*5 Tachwedd 2020*
Yn dod i rym	*1 Rhagfyr 2020*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir iddynt gan adrannau 63 a 203(9) a (10) o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(**1**).

Enwi, cychwyn a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Rhestri Cyflawnwyr) (Cymru) (Diwygio) 2020.

(2) Daw'r Rheoliadau hyn i rym ar 1 Rhagfyr 2020.

(3) Yn y Rheoliadau hyn, ystyr "y prif Reoliadau" yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Rhestri Cyflawnwyr) (Cymru) 2004(**2**).

Diwygio rheoliad 28 o'r prif Reoliadau

2.—(1) Mae rheoliad 28 (dehongli) o'r prif Reoliadau wedi ei ddiwygio fel a ganlyn.

(**1**) 2006 p. 42. *Gweler* adran 206(1) am y diffiniadau o "prescribed" a "regulations".

(**2**) O.S. 2004/1020 (Cy. 117). Mewnosodwyd Rhan 4 o'r prif Reoliadau gan reoliad 11 o Reoliadau'r Gwasanaeth Iechyd Gwladol (Rhestri Cyflawnwyr) (Cymru) (Diwygio) 2006 (O.S. 2006/945 (Cy. 94)) ac fe'i diwygiwyd gan O.S. 2016/101 (Cy. 49). Mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol i'r Rheoliadau hyn.

WELSH STATUTORY INSTRUMENTS

2020 No. 1207 (W. 272)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (Performers Lists) (Wales) (Amendment) Regulations 2020

Made	*3 November 2020*
Laid before Senedd Cymru	*5 November 2020*
Coming into force	*1 December 2020*

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by sections 63 and 203(9) and (10) of the National Health Service (Wales) Act 2006(**1**).

Title, commencement and interpretation

1.—(1) The title of these Regulations is the National Health Service (Performers Lists) (Wales) (Amendment) Regulations 2020.

(2) These Regulations come into force on 1 December 2020.

(3) In these Regulations, "the principal Regulations" means the National Health Service (Performers Lists) (Wales) Regulations 2004(**2**).

Amendment of regulation 28 of the principal Regulations

2.—(1) Regulation 28 (interpretation) of the principal Regulations is amended as follows.

(**1**) 2006 c. 42. *See* section 206(1) for the definitions of "prescribed" and "regulations".

(**2**) S.I. 2004/1020 (W. 117). Part 4 of the principal Regulations was inserted by regulation 11 of the National Health Service (Performers Lists) (Wales) (Amendment) Regulations 2006 (S.I. 2006/945 (W. 94)) and amended by S.I. 2016/101 (W. 49). There are other amending instruments but none are relevant to these Regulations.

(2) Yn rheoliad 28(2)—

(a) yn y diffiniad o “approved trainer”—

(i) yn lle “a postgraduate dental dean or a director of postgraduate dental education” rhodder “HEIW”, a

(ii) yn lle “him or her” rhodder “the dentist”;

(b) hepgorer y diffiniad o “postgraduate dental dean or director of postgraduate dental education”;

(c) yn y diffiniad o “foundation training”—

(i) ar ôl “service by” mewnosoder “Velindre University NHS Trust under the direction of the NWSSP committee, and during that period the dentist must attend the practice of”,

(ii) ar ôl “trainer” mewnosoder “who has agreed with HEIW to supervise the provision by the dentist of”,

(iii) hepgorer “to provide”, a

(iv) ar ôl “treatment and” mewnosoder “for the dentist”;

(d) ar ôl y diffiniad o “Health Committee” mewnosoder—

““HEIW” means Health Education and Improvement Wales, the Special Health Authority established by article 2 of the Health Education and Improvement Wales (Establishment and Constitution) Order 2017(**1**), which must exercise its functions in relation to the planning, commissioning, delivery and quality assurance of education and training for persons engaged in the provision of health services in Wales and which, for the purposes of this Part, is responsible for the arrangement and provision of a suitable learning environment for dentists performing primary dental services to enable dentists to meet the requirements and standards of the General Dental Council and Welsh Government;

“NWSSP committee” means NHS Wales Shared Services Partnership, established by the Velindre National Health Service Trust Shared Services Committee (Wales) Regulations 2012(**2**), which is responsible for exercising functions of Velindre University NHS Trust in relation to shared services, policy and strategy, and the management and provision of shared services to the health service in Wales;”;

(**1**) O.S. 2017/913 (Cy. 224).
(**2**) O.S. 2012/1261 (Cy. 156).

(2) In regulation 28(2)—

(a) in the definition of “approved trainer”—

(i) for “a postgraduate dental dean or a director of postgraduate dental education” substitute “HEIW”, and

(ii) for “him or her” substitute “the dentist”;

(b) omit the definition of “postgraduate dental dean or director of postgraduate dental education”;

(c) in the definition of “foundation training”—

(i) after “service by” insert “Velindre University NHS Trust under the direction of the NWSSP committee, and during that period the dentist must attend the practice of”,

(ii) after “trainer” insert “who has agreed with HEIW to supervise the provision by the dentist of”,

(iii) omit “to provide”, and

(iv) after “treatment and” insert “for the dentist”;

(d) after the definition of “Health Committee” insert—

““HEIW” means Health Education and Improvement Wales, the Special Health Authority established by article 2 of the Health Education and Improvement Wales (Establishment and Constitution) Order 2017(**1**), which must exercise its functions in relation to the planning, commissioning, delivery and quality assurance of education and training for persons engaged in the provision of health services in Wales and which, for the purposes of this Part, is responsible for the arrangement and provision of a suitable learning environment for dentists performing primary dental services to enable dentists to meet the requirements and standards of the General Dental Council and Welsh Government;

“NWSSP committee” means NHS Wales Shared Services Partnership, established by the Velindre National Health Service Trust Shared Services Committee (Wales) Regulations 2012(**2**), which is responsible for exercising functions of Velindre University NHS Trust in relation to shared services, policy and strategy, and the management and provision of shared services to the health service in Wales;”;

(**1**) S.I. 2017/913 (W. 224).
(**2**) S.I. 2012/1261 (W. 156).

(e) yn y diffiniad o “scheme”, hepgorer “and”;

(f) ar ôl y diffiniad o “scheme” mewnosoder—

““Velindre University NHS Trust” means the NHS trust(**1**) established by article 2 of the Velindre National Health Service Trust (Establishment) Order 1993(**2**);”.

(3) Yn rheoliad 28(3)—

(a) yn is-baragraff (a), ar ôl “employment” mewnosoder “with Velindre University NHS Trust under the direction of NWSSP”;

(b) yn y geiriau ar ôl is-baragraff (c)(v)—

(i) yn lle “a postgraduate dental dean or director of postgraduate dental education” rhodder “HEIW”, a

(ii) yn lle “he or she” rhodder “the dentist”.

Diwygio rheoliad 30 o’r prif Reoliadau

3.—(1) Mae rheoliad 30 o’r prif Reoliadau wedi ei ddiwygio fel a ganlyn.

(2) Yn rheoliad 30(2)(b)(i), ar ôl “acting” mewnosoder “in accordance with the terms of the contract of employment for service with Velindre University NHS Trust and”.

(e) in the definition of “scheme”, omit “and”;

(f) after the definition of “scheme” insert—

““Velindre University NHS Trust” means the NHS trust(**1**) established by article 2 of the Velindre National Health Service Trust (Establishment) Order 1993(**2**);”.

(3) In regulation 28(3)—

(a) in sub-paragraph (a), after “employment” insert “with Velindre University NHS Trust under the direction of NWSSP”;

(b) in the words after sub-paragraph (c)(v)—

(i) for “a postgraduate dental dean or director of postgraduate dental education” substitute “HEIW”, and

(ii) for “he or she” substitute “the dentist”.

Amendment of regulation 30 of the principal Regulations

3.—(1) Regulation 30 of the principal Regulations is amended as follows.

(2) In regulation 30(2)(b)(i), after “acting” insert “in accordance with the terms of the contract of employment for service with Velindre University NHS Trust and”.

Vaughan Gething

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru
3 Tachwedd 2020

Minister for Health and Social Services, one of the Welsh Ministers
3 November 2020

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(**1**) Gweler adran 18 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (p. 42).
(**2**) O.S. 1993/2838, a ddiwygiwyd gan O.S. 2018/887 (Cy. 176); mae offerynnau diwygio eraill ond nid yw’r un ohonynt yn berthnasol i’r Rheoliadau hyn .

(**1**) See section 18 of the National Health Service (Wales) Act 2006 (c. 42).
(**2**) S.I. 1993/2838, amended by S.I. 2018/887 (W. 176); there are other amending instruments but none are relevant to these Regulations.

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