

Performers List Regulations 2013

Department of Health consultation on proposals for changes

To help us put your responses into context we should be grateful if you would provide some basic details about yourself.

Please choose the capacity in which you are responding:

- Provider organisation
- Commissioning organisation
- Professional regulator
- Individual healthcare professional
- Patient or member of the public
- Other

If other, please specify...

Professional standards organisation

If you are responding for an organisation

Please say which one

The Faculty of General Dental Practice (UK) , The Royal College of Surgeons of England.

Please also say what your role is

For correspondence:

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Minimum service to remain on performers list

Q2.1a: Do you think that the power to remove a performer where they have not provided a minimum service should replace the existing power to remove a performer where they have not provided services within 12 months?

YES ✓

NO

(If not, please explain why not)

Q2.1b: If you agree that this power should be provided, do you think that:

- a) it should apply the same to all groups of performers (medical, dental and ophthalmic); or
- b) different measures should be in place for each group of performers?

(Please specify)

a)

b) ✓

Q2.2: Please explain what you think are appropriate minimum level(s) of primary care services.

At present, a dental practitioner can remain on the performers list with one unit of dental activity (UDA) within 12 months. We believe that this falls short of what is needed to ensure patient safety. Notwithstanding regular patient contact through private practice commitment, we would suggest that one session per month (i.e., 2.5 hours) is appropriate for a dental practitioner.

Q2.3: What groups do you consider should be subject to an exemption and what other measures do you think should be taken to ensure that this proposal does not impact unequally on specific groups?

Exemption should apply to those on long term sick leave, maternity/paternity leave, prolonged study or other extended leave.

Q2.4: We consider that it is appropriate to set up national performers lists for England. Do you agree?

YES ✓

NO

Establishment of the Disclosure and Barring Service

Q2.5: Do you agree that the requirement to undertake a criminal records check in every case should be removed from the Performers Lists Regulations? This would mean that the NHS CB could undertake these checks but would not be under a blanket duty to do so in every case.

YES ✓

NO

(If you do not agree, please explain why)

Suspension

Q2.6: Do you agree with our proposal to implement the recommendation to enable immediate suspension where it appears that a performer's conduct creates a serious risk to the public? If not, please explain why not.

YES ✓

NO

(If not, please explain why not)

This is an important way to ensure that patient safety is not compromised, particularly given that the General Dental Council does not have the powers to impose immediate suspension. Clearly, however, suspension from the performers list would not preclude the dentist from practicing privately.

Q2.7: Do you agree that guidance is the best way of setting out the range of support that the NHS CB should consider providing to suspended performers?

YES ✓

NO

(If not, please explain why not)

Q2.8: Do you agree with our proposal to implement the recommendation to have additional options at suspension hearings?

YES ✓

NO

(If not, please explain why not)

Q2.9: Do you agree that the current arrangements for reviewing suspensions (modified to provide for reviews to be held by the NHS CB) are an adequate and cost effective measure?

YES ✓

NO

(If not, please explain why not)

Q2.10 Do you agree with the proposal not to take forward the recommendation of the Performers List Review to widen the powers to suspend performers?

YES ✓

NO

(If not, please explain why not)

Indemnity/Insurance

Q2.11: Do you agree that the requirement to demonstrate adequate indemnity or insurance arrangements should be incorporated into the draft regulations?

YES ✓

NO

(If not, please explain why not)

This is essential in our view.

Changes arising from the performers lists review - questions

Q2.12: The draft regulations incorporate changes recommended by the Performers List Review (see Annex C). Do you consider that these recommendations have been adequately incorporated into the draft regulations?

YES ✓

NO

Q2.13: If not, please say which recommendations you think have not been adequately addressed? Please explain why not.

Q3.1: Do you agree that performers should be required to submit their last appraisal, if they have one, when they apply to join the performers list?

YES ✓

NO

(If not, please explain why not)

We believe that it is essential that all performer must provide an undertaking to participate in CB appraisal in order to ensure patient safety. Such an appraisal could also be incorporated into any future revalidation scheme for dental practitioners.

Inquests

Q3.2: Do you think regulation 9(2)(h), which requires a performer to report when they are a 'properly interested person' at an inquest (subject to the exceptions shown there), achieves the recommendation?

YES ✓

NO

(If not, please explain why not)

General

Q3.3: Do you have any other comments on the draft regulations or the policy changes described in this consultation document?

It is a positive step to see that the regulations will allow for dentists undergoing foundation training to provide services without being on the performers list. This overcomes an administrative problem that Primary Care Trusts face each year in processing paperwork with sufficient expedience to ensure dentists can begin foundation training in the Autumn.

Also, we would urge caution around the necessity for performers to declare all incidents of claims for clinical negligence to the CB regardless of whether proceedings were issued or settled. It should be noted that there is no similar system within private dental practice.

Equality

Q4.1: Do you consider that the proposed regulations will impact differently for different groups in relation to any of the protected characteristics under the Equality Act 2010?

YES

NO ✓

(If not, please explain why not)

Question 4.2: If you have answered 'yes' to question 4.1, are there any measures you would suggest that would address this?

YES

NO

(please explain)