

**DENTISTS/DENTAL BODIES CORPORATE
NATIONAL HEALTH SERVICE
GENERAL DENTAL SERVICES**

AMENDMENT NO. 155 TO THE STATEMENT OF DENTAL REMUNERATION

Determination XIII - Recruitment and Retention Allowances

1. This Memorandum advises of the publication of an amendment to the Statement of Dental Remuneration (SDR), Amendment No. 155, which takes effect from 7 February 2022. A copy of the updated determination is included in Annex A at the end of this Memorandum. The full Amendment No. 155 will be available to view or download at <http://www.scottishdental.org/>.

Background

2. We are conscious that there are challenges in recruiting and retaining dentists in some Health Board areas, particularly for those areas outwith the central belt that may be more geographically remote. Following a review of the areas currently eligible for Recruitment and Retention Allowances we have made a number of changes to the allowance to better reflect the current circumstances. We have updated and expanded the areas which are eligible for an allowance and made changes to the conditions of entitlement to allow dentists undertaking vocational training in an eligible area to claim an allowance.

3. In summary, the changes from 7 February 2022 are as follows:

Eligible Areas

4. The terminology of 'Designated' and 'Non-Designated' areas has been replaced with Classification 1 and Classification 2 areas respectively. The list of qualifying areas has also been updated and expanded.

5. Classification 1 areas are:

- Dalmellington and Patna within Ayrshire and Arran Health Board;
- Kelso and Berwickshire (excluding Eyemouth) within Borders Health Board;
- Dumfries and Galloway Health Board;
- Auchtermuchty within Fife Health Board;
- Moray within Grampian Health Board;
- Shetland Health Board;
- Orkney Health Board; and
- Western Isles Health Board.

6. Classification 2 areas are:

- Coldstream within Borders Health Board;
- Banff, Fraserburgh and Huntly within Grampian Health Board; and
- Isle of Bute, Islay & Jura, Lochgilphead, Mull & Iona, and Tarbert in Highland Health Board.

Conditions of Entitlement

7. The entitlement conditions have been updated to allow dentists undertaking vocational training in an eligible area to apply for this allowance.

8. To be eligible dentists joining a practice based in either a Classification 1 or 2 area from 7 February 2022 must meet one of the following conditions:

- have their name included in sub-part A of the first part of a dental list within 3 months of completing training; or
- have their name included in sub-part A of the first part of a dental list for the first time or have their name included on such a list after a break not being included in the previous 5 years; or
- have their name included in the second part of a dental list, as an Assistant, and be undertaking a course of vocational training (VT) approved by NHS Education for Scotland (NES).

9. All dentists who are eligible for the allowance must also agree to:

- provide at least 4 sessions per week in a Classification 1 or 2 area;
- have NHS earnings which represent at least 80% of their total earnings per year;
- provide the full range of general dental services (GDS) to all categories of NHS patients; and
- remain included in sub-part A of the first part of a dental list in a classification 1 or 2 area and continue to provide GDS, or in the case of a VT, remain on an approved VT course in a classification 1 or 2 area.

10. Dentists must continue to meet the undertakings outlined at paragraph 9 for the required period. The required period is:

- 3 years, immediately following receipt of the first payment of this allowance, for dentists in sub-part A of the first part of a dental list;
- the full year of the approved training course for dentists undertaking VT.

Amount of Allowance

11. Dentists, who meet all the requirements and are providing GDS in a Classification 1 area, will receive:

- £25,000 paid over two years, at £12,500 per annum, for dentists in sub-part A of the first part of a dental list;
- £12,500 paid over one year for dentists undertaking VT.

12. Dentists, who meet all the requirements and are providing GDS in a Classification 2 area, will receive:

- £15,000 paid over two years, at £7,500 per annum, for dentists in sub-part A of the first part of a dental list;
- £7,500 paid over one year for dentists undertaking VT.

Making a Claim

13. To make a claim for this allowance dentists, on sub-part A of the first part of a dental list, must submit a form to Practitioner Services, declaring that they:

- meet the all the requirements;
- agree to provide the undertakings; and
- will provide to Practitioner Services, an accountant's certificate stating the proportion their NHS earnings bore to the their total earnings within 3 months of a request being made.

14. The details of how to make a claim for this allowance for dentists undertaking VT will be confirmed in due course.

Failure to Meet the Conditions

15. Where a dentist fails to meet any of the conditions set out in Determination XIII for the required period they must repay the full amount of any allowance received.

16. If a Classification 1 area is changed to a Classification 2 area during the dentist's required period they will not need to repay the allowance, provided they continue to meet all of the other conditions.

17. If a Classification 2 area is changed to a Classification 1 area during a dentist's required period they will not be able to claim the higher allowance amount.

Additional Information

18. Eligible dentists can only make one claim for an allowance under this Determination. However, dentists who claim this allowance during their VT year may subsequently make a claim for the full allowance provided they meet all of the conditions set out in Determination XIII and provide the undertakings for the required period.

19. Eligible areas will be reviewed on an annual basis.

Enquiries

20. Any enquiries arising from this Memorandum should be taken up with your NHS Board.

Scottish Government Primary Care Directorate
7 February 2022

Statement of Dental Remuneration

DETERMINATION XIII RECRUITMENT AND RETENTION ALLOWANCES

Determination XIII describes the eligible areas and the amount that can be claimed for the recruitment and retention allowances. It also explains the conditions of entitlement; the undertakings dentists must provide; how to make a claim; and what happens if a dentist fails to meet the conditions.

Part I

This Part has been deleted.

Part II

Conditions of Entitlement

1.—(1) To be eligible for an allowance under this determination a dentist must—

- (a) meet one of the conditions in paragraph 1(2),
- (b) give the undertakings in paragraph 1(3), and
- (c) if the dentist is a person to whom paragraph 1(6) applies, meet the condition in paragraph 1(6).

(2) The conditions are that the dentist must—

- (a) have their name included in sub-part A of the first part of a dental list within 3 months of completion of training, or
- (b) have their name included in sub-part A of the first part of a dental list for the first time or have their name included having not been on such a list for the previous 5 years, or
- (c) have their name included in the second part of a dental list, as an Assistant, and be undertaking a course of vocational training approved by NHS Education for Scotland.

(3) The undertakings are that the dentist must:

- (a) provide at least 4 sessions of general dental services each week in either a classification 1 or classification 2 area for the required period
- (b) have NHS earnings which represent not less than 80% of their total earnings per year for the required period
- (c) provide the full range of general dental services (except for specialist services where referral may be appropriate) to all categories of NHS patients for the required period;
- (d) either—
 - (i) in the case of a dentist who meets the condition in paragraph 1(2)(a) or 1(2)(b), remain included in sub-part A of the first part of the dental list and continue to provide general dental services in either a classification 1 or classification 2 area, for the required period or,
 - (ii) in the case of a dentist who meets the condition in paragraph 1(2)(c), remain on an approved

vocational training course and continue to provide general dental services in either a classification 1 or classification 2 area, for the required period; and

(e) not be included in the second part of the dental list or not have been on such a list within the previous 5 years, other than those whose name is included in sub-part A of the first part of the dental list in accordance with paragraph 1(2)(a) or those who have a vocational training number and are undertaking an approved course of vocational training in accordance with paragraph 1(2)(c).

(4) The “required period” is—

- (a) in the case of a dentist who meets the condition in paragraph 1(2)(a) or (b), 3 years, which must immediately follow the dentist’s receipt of the first payment under paragraph 2, or
- (b) in the case of a dentist who meets the condition under paragraph 1(2)(c), the full year of the approved training course which the dentist is undertaking.

(5) At the time of giving the undertakings in paragraph 1(3), a dentist must specify whether they undertake to complete the required period by practising in a classification 1 area or a classification 2 area.

(6) In the case of a dentist who meets the condition in paragraph 1(2)(a) or (b) and who is registered by virtue of section 15(1)(b) or (2A) of the Dentists Act 1984 (registration of nationals of an EEA State who hold an appropriate European diploma) or is in any way a person in respect of whom the United Kingdom was prohibited by Community law from imposing such a requirement, the dentist must supply to the CSA evidence of suitable postgraduate experience as approved by NHS Education for Scotland as a condition of payment.

(7) Where the name of the dentist cannot be included in sub-part A of the first part of the dental list within the 3 month period referred to in paragraph 1(2)(a) due to maternity, paternity, adoptive leave or certified sick leave, the 3 month period shall commence at the end of the period of maternity, paternity, adoptive leave, or certified sick leave.

Amount of Allowance

2.—(1) Where a dentist, who meets the requirements specified in paragraph 1, provides general dental services in a classification 1 area, the amount of allowance to be paid will be:

(a) £25,000 paid over a two year period, at £12,500 per annum, for dentists who meet the condition in either paragraph 1(2)(a) or (b),

(b) £12,500 paid over a one year period for dentists who meet the condition in paragraph 1(2)(c).

(2) Where a dentist, who meets the requirements specified in paragraph 1, provides general dental services in a classification 2 area, the amount of allowance to be paid will be:

(a) £15,000 paid over a two year period, at £7,500 per annum, for dentists who meet the condition in either paragraph 1(2)(a) or (b),

(b) £7,500 paid over a one year period for dentists who meet the condition in paragraph 1(2)(c).

(3) Where the name of the dentist is included in sub-part A of the first part of a dental list of more than one Health Board the allowance shall only be payable in respect of the Health Board for which the dentist provides the greatest proportion of general dental services at the date of the claim.

(4) Payments under paragraph 2(1) or 2(2) will stop if the dentist no longer:

- (a) has their name included in sub-part A of the first part of any dental list or is no longer undertaking an approved course of vocational training; or

- (b) provides general dental services in a classification 1 or classification 2 area, as specified in accordance with paragraph 1(5).

Claim for Allowance

3.—(1) A dentist shall make a claim for an allowance under paragraph 1 to the CSA on a form supplied by the Health Board and shall include with the claim a declaration in writing:

- (a) giving the undertakings listed at paragraph 1(3); and
- (b) agreeing that if requested to do so by the CSA in the year following one in which a payment under paragraph 2 has been received they will provide to the CSA, at their own expense, a certificate signed by an accountant stating the proportion the dentist's NHS earnings bore to their total earnings, within 3 months of the request being made; .

(2) A claim under paragraph 1 must be made within 2 months of the dentist's name being included in sub-part A of the first part of a dental list for the first time or after a period of 5 years where the dentist's name was not included in a dental list, or the dentist being issued a vocational training number and beginning an approved course of vocational training.

(3) A dentist must notify the CSA within one month of any changes to their circumstances which may affect their entitlement to the payment of an allowance under paragraph 2.

(4) Only one claim for an allowance under paragraph 2 can be made by a dentist who is eligible for an allowance in accordance with paragraph 1(2)(a) or 1(2)(b).

Failure to Meet Conditions of Allowance

4.—(1) Where a dentist, eligible for an allowance under paragraph 1(2)(a) or 1(2)(b), fails to meet the conditions set out in paragraph 1(2) or ceases, within 3 years of receiving the first payment under paragraph 2(1) or 2(2), to:

- (a) have their name included in sub-part A of the first part of any dental list; or
- (b) provide general dental services in a classification 1 or classification 2 area respectively;

they must repay to the Health Board within 3 months the full amount of any allowance received.

(2) Where a dentist eligible for an allowance in accordance with paragraph 1(2)(a) or 1(2)(b) ceases, within 3 years of receiving the first payment under paragraph 2(1), to provide general dental services in a classification 1 area but their name remains on sub-part A of the first part of a dental list in a classification 2 area the dentist must repay to the Health Board the difference between the allowance payable in respect of a classification 2 area and a classification 1 area.

(3) Where a dentist, eligible for an allowance in accordance with paragraph 1(2)(c), fails to meet the conditions set out in paragraph 1(3), or withdraws from their approved course of vocational training, they must repay to the Health Board within 3 months the full amount of any allowance received,

(4) The Health Board may waive repayment in any case where it considers that the dentist was unable to meet any of the conditions because of exceptional circumstances.

Change in Status of Classification Area

5.—(1) A dentist who is in receipt of an allowance in accordance with paragraph 1 will continue to be eligible to receive payments in respect of that allowance if the area in which they provide general dental services for which they are receiving the allowance ceases to be a classification 1 or classification 2 area and shall not be liable to return the sum received.

(2) A dentist in receipt of an allowance under paragraph 2(2) will not be entitled to receive an additional allowance if the area in which they provide general dental services is subsequently re-classified as a classification 1 area.

Interpretation

6.—(1) In this Determination, unless the context otherwise requires:

“classification 1 area” in relation to Part II means:

- (a) Dalmellington and Patna within Ayrshire and Arran Health Board;
- (b) Kelso and Berwickshire (excluding Eyemouth) within Borders Health Board;
- (c) Dumfries and Galloway Health Board;
- (d) Auchtermuchty within Fife Health Board;
- (e) Moray within Grampian Health Board;
- (f) Shetland Health Board;
- (g) Orkney Health Board; and
- (h) Western Isles Health Board.

“classification 2 area” in relation to Part II means:

- (a) Coldstream within Borders Health Board;
- (b) Banff, Fraserburgh and Huntly within Grampian Health Board; and
- (c) Isle of Bute, Islay & Jura, Lochgilphead, Mull & Iona, and Tarbert in Highland Health Board.

"the CSA" means the Common Services Agency for the Scottish Health Service constituted under Section 10 of the National Health Service (Scotland) Act 1978;

"dental list" means a list prepared by a Health Board in accordance with regulation 4(1) of the National Health Service (General Dental Services) (Scotland) Regulations 2010;

"dentist" means a registered dental practitioner whose name is included in sub-part A of the first part of the dental list;

"NHS earnings" means the dentist's gross earnings, excluding any remuneration by way of salary, from the provision by him in person of general dental services under the National Health Service (Scotland) Act 1978;

“required period” has the meaning given in paragraph 1(4);

"session" means a period of not less than 3.5 hours;

"total earnings" means the dentist's gross earnings, excluding any remuneration by way of salary, from the practice of dentistry by him in person;

"training" means a period of one year's vocational training or two year's general professional training ;

“vocational training” has the meaning given in regulation 2(1) of the National Health Service (General Dental Services) (Scotland) Regulations 2010;

(2) In the case of a dentist who is registered by virtue of section 15(1)(b) or (2A) of the Dentists' Act 1984 (registration of nationals of an EEA State who hold an appropriate European diploma) or is in any way a person in respect of whom the United Kingdom was prohibited by Community law from imposing such a requirement, the completion of their training is taken to be the date on which they received their vocational training number from NHS Education for Scotland.

(3) In this Determination, a reference to a numbered paragraph is to the paragraph bearing that number in this Determination and a reference in a paragraph to a numbered sub-paragraph is to the sub-paragraph bearing that number in that paragraph.