



The Scottish Parliament
Pàrlamaid na h-Alba

PUBLIC PETITION NO.

PE01809

Name of petitioner

James Millar

Petition title

Reinstate continuing professional development allowance for general dental practitioners

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to reverse the withdrawal of NHS general dental practitioner's continuing professional development allowance.

Action taken to resolve issues of concern before submitting the petition

I have contacted Members of the Scottish Parliament. I have also contacted the Chief Dental Officer and Nicola Sturgeon MSP.

Petition background information

As noted in the Statement of Dental Remuneration (SDR), a dentist who is included in the dentist list can claim an allowance for continuing professional development for attendance on an approved course.

In the days following the decision to cease clinical dentistry in response to the COVID-19 outbreak, NHS Education for Scotland (NES) approved webinar based education for dental practitioners. This was to allow them to continue engagement in their profession, enhance their clinical knowledge and utilise their Continuing Professional Development Allowance (CPDA).

As a result CPDA approved courses ran throughout April and practitioners were issued GP214 claim forms which are submitted to Practitioner Services Division (PSD) for payment.

On the evening of 24 April 2020 NES stated the Scottish Government had advised "CPDA has been suspended from the 23rd of March. PSD has been instructed not to honour any claims after that date".

I understand these are unusual times, however, an unannounced, unilateral withdrawal of the allowance applied retroactively is contrary to the contract between dental

practitioners and the Scottish Government.

As the National Health Service (General Dental Services) (Scotland) Regulations 2010 states, parties are legally (and morally) bound by the Statement of Dental Remuneration Determinations published by Scottish Ministers, the most recent of which is Amendment no 143, published in March 2020.

Section VII of the SDR – Continuing Professional Development Allowances states:

(5) This Determination applies to any dentist who attends an approved postgraduate course on or after 1 April 2002. Any amendment to this Determination shall take effect from the relevant amendment effective date.

The NHS (General Dental Services) (Scotland) Regulations 2010 Regulation 22 is clear on this topic:

<http://www.legislation.gov.uk/ssi/2010/208/regulation/22/made>

(3) The Scottish Ministers may from time to time after consultation with organisations as appear to them to be representative of persons providing general dental services, amend a Determination or any part thereof and shall publish any such amendment.

(4) A Determination or an amendment to a Determination shall be in respect of a period beginning on or after a date specified in that Determination or amendment, which may be the date of that Determination or amendment or an earlier or later date, but may be an earlier date only if, taking the Determination as a whole, it is not detrimental to persons to whose remuneration it relates.

The consequence of the Scottish Government's action, without any consultation or notice by way of published amendments to the SDR, or evidence that its action is not detrimental to persons to whose remuneration it relates, leaves dental practitioners in a detrimental financial situation.

As indicated by PSD the CPDA is an allowance payment and is not related to the sustainability package announced by the Scottish Government.

Therefore, the Scottish Government's unilateral decision to withdraw this allowance without consultation, being retrospective in its application and with financial detriment to practitioners, is ultra vires the 2010 Regulations.

Furthermore, this action may seriously damage the dental practitioner and the NHS relationship on a number of levels.

Unique web address

<https://www.parliament.scot/GettingInvolved/Petitions/CPDA>

Related information for petition

<http://www.legislation.gov.uk/ssi/2010/208/contents/made>

<https://www.scottishdental.org/professionals/statement-of-dental-remuneration/>

Do you wish your petition to be hosted on the Parliament's website to collect signatures online?

YES

How many signatures have you collected so far?

Closing date for collecting signatures online

18 / 06 / 2020

Comments to stimulate online discussion

Do you agree that the consequences of the Scottish Government action, without any consultation or notice, leaves dental practitioners in a detrimental financial situation?

Do you agree with Practitioner Services Division that the CPDA is an allowance payment and not related to the sustainability package announced by the Scottish Government?

Do you believe this action may damage the dental practitioner and NHS relationship?