



SCOTTISH EXECUTIVE

Health Department
Directorate of Service Policy & Planning

St Andrew's House
Regent Road
EDINBURGH
EH1 3DG

Dear Colleague

GENERAL DENTAL SERVICES

- 1. AMENDMENT NO 90 TO THE STATEMENT OF DENTAL REMUNERATION – MATERNITY, PATERNITY AND ADOPTIVE LEAVE**
- 2. NEW FORMS GP225 AND GP226**

Summary

1. This letter advises NHS Boards, Primary Care Trusts and Practitioner Services of the publication of an amendment to the Statement of Dental Remuneration (SDR), Amendment No 90, which takes effect from 1 October 2003. It also advises of the introduction of two new forms, GP225 and GP226, for claiming paternity leave and adoptive leave payments.

Background

2. Ministers announced on 25 March that paternity and adoptive leave would be introduced from 1 April 2003. The SDR is being amended with effect from 1 October to provide for paternity and adoptive leave payment and the attached Memorandum and Amendment No 90 provide more information.

3. 2 new forms for claiming paternity and adoptive leave payments have been produced, GP225 (Application for paternity payments) and GP226 (Application for adoptive payments). An initial supply of the new forms will be sent to NHS Boards/Primary Care Trusts without requisition. Copies of forms GP225 and GP226 should be issued to dentists on request. Further copies of form GP225 and GP226 should be reproduced locally as required.

Action

4. NHS Boards, Primary Care Trusts and Practitioner Services are asked to note the contents of the Memorandum to this letter.

16 September 2003

Addresses

For action

Chief Executives, Primary Care Trusts
and NHS Boards

Director,
Practitioner Services

For information

Chief Executive,
Common Services Agency

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5. Copies of the Memorandum to this letter are being sent under separate cover for **urgent** distribution to all dentists on NHS Board/Primary Care Trust lists.

Yours sincerely

DR HAMISH WILSON
Primary Care Division

**DENTISTS
NATIONAL HEALTH SERVICE
GENERAL DENTAL SERVICES**

**1. AMENDMENT NO 90 TO THE STATEMENT OF DENTAL
REMUNERATION – MATERNITY, PATERNITY AND ADOPTIVE LEAVE
2. NEW FORMS GP225 AND GP226**

1. This Memorandum advises dentists of the publication of an amendment to the Statement of Dental Remuneration (SDR), which takes effect from 1 October 2003. It also advises of the introduction of two new forms, GP225 and GP226, for claiming paternity leave and adoptive leave payments.

2. Scottish Ministers announced on 25 March that paternity and adoptive leave would be introduced from 1 April. The SDR is being amended with effect from 1 October to provide for paternity and adoptive leave payments.

3. Determination V, Maternity Payments, Paternity Payments and Adoptive Leave Payments, includes new provisions to introduce:

3.1 paternity payments for a period not exceeding 2 weeks commencing within 26 weeks of the date of birth or adoption where the birth or adoption was on or after 1 October 2003. Where the date of birth or adoption was between 1 April 2003 and 1 October 2003 the dentist can take 2 weeks paternity leave commencing on or after 1 October provided the leave is taken within 34 weeks and 2 days of the birth or adoption;

3.2 adoptive leave payments for the main provider for a period not exceeding 26 weeks immediately following the adoption of a child provided the date of adoption was on or after 1 April 2003. Any parent who adopted a child between 1 April 2003 and 1 October 2003 may exercise their right to commence leave up to 28 November 2003.

4. Full details of the new paternity and adoptive leave payments are contained in the attached Determination V.

5. 2 new forms for claiming paternity and adoptive leave payments have been produced, GP225 (Application for paternity payments) and GP226 (Application for adoptive payments). An initial supply of forms GP225 and GP226 will be sent to NHS Boards/Primary Care Trusts in due course and will be issued to dentists on request.

6. Any enquiries arising from this Memorandum should be taken up with your NHS Board/Primary Care Trust.

SCOTTISH EXECUTIVE HEALTH DEPARTMENT
16 September 2003

STATEMENT OF DENTAL REMUNERATION

Pursuant to regulation 22(3) of the National Health Service (General Dental Services) (Scotland) Regulations 1996, as amended, Scottish Ministers have amended on 1 October 2003 the Statement of Dental Remuneration, and hereby publish the Amendment.

Amendment No 90

1. The amendment shall take effect from the date set out below:
 - (i) The amendment to Determination V shall take effect from 1 October 2003.
2. This amendment shall not affect any rights or liabilities acquired or incurred under or by virtue of any provision of the Statement of Dental Remuneration amended or replaced by this amendment.

Statement of Dental Remuneration

DETERMINATION V MATERNITY PAYMENTS, PATERNITY PAYMENTS AND ADOPTIVE LEAVE PAYMENTS

Interpretation

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

"confinement" means the birth of a living child, or the birth of a child, whether living or not, after 24 weeks of pregnancy;

"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 dental list prepared by a Health Board or a primary care NHS trust in accordance with regulation 4(1A) of the National Health Service (General Dental Services) (Scotland) Regulations 1996 or any equivalent to such list prepared by an equivalent body in England, Northern Ireland or Wales;

"dentist" means a registered dental practitioner;

"the earnings requirement" means that either—

- (a) the dentist's gross earnings for the test period amount to—
 - (i) in a case where the test period begins on 1 April in any of the financial years listed below, not less than the sum listed below in respect of that financial year,
 - (ii) in a case where the test period begins after 1 April and falls across two financial years, not less than the total of the amounts which, in respect of each of those years, are in the same proportion to the figure listed for that year as is that part of the test period falling in that financial year to a full year;

The sums referred to in paragraphs (i) and (ii) are as follows—

for 2001/02	£22,557
for 2002/03	£22,763
for 2003/04	£23,497; or

- (b) at least 90 per cent of the dentist's earnings from the practice of dentistry during the test period was attributable to gross earnings;

"expected date of confinement" means the date on which the birth of a child is expected;

"expected week of confinement" means the week in which the birth of a child is expected;

"financial year" means the period beginning on 1 April in one year and ending on 31 March in the next year;

"gross earnings" means the dentist's gross earnings from the provision of general dental services under the National Health Service (Scotland) Act 1978, the National Health Service Act 1977 or the Health and Personal Services (Northern Ireland) Order 1972, as amended, and does not include remuneration by way of salary and, where the dentist's name is included in two or more dental lists during any part of the test period, shall include all gross earnings on an aggregated basis;

"gross earnings for the test period" means the dentist's gross earnings over the duration of the test period;

"net earnings" means the dentist's net earnings over the test period, where net earnings are calculated as a percentage of gross earnings over the test period. The percentage to be applied in respect of earnings in 2001/02, 2002/03 and 2003/04 is 42.6 per cent;

"partner" means a member of a couple who, in the case of a man and a woman are living as husband and wife, and, in any other case, are living in a relationship which has the characteristics of the relationship between husband and wife except that the couple are of the same sex;

"payment" means a maternity payment, a paternity payment, or an adoptive leave payment, as the case may be;

"paternity payment" includes payment for the adoptive leave for an adoptive parent who is not the main care provider;

"pay period" means—

- (a) in the case of a maternity payment, a period not exceeding 26 weeks commencing on or after 1 April 2003, which is commenced—
 - (i) not earlier than the 11th week before the expected week of confinement, nor later than the expected week of confinement; or
 - (ii) on the Monday immediately before the actual date of confinement, if confinement occurs prior to the 11th week before the expected week of confinement;
- (b) in the case of a paternity payment, either (i) if the of birth or adoption, as the case may be, was on or after 1 April 2003 but before 1 October 2003, a period not exceeding 2 weeks commencing on or after 1 October 2003, which is within 34 weeks and 2 days of the date of birth or adoption, or (ii) if the date of birth or adoption, as the case may be, was on or after 1 October 2003, a period not exceeding 2 weeks commencing within 26 weeks of the date of birth or adoption.

- (c) in the case of an adoptive leave payment either (i) if the date of adoption was on or after 1 April 2003 but before 1 October 2003, a period not exceeding 26 weeks commencing on or after 1 October 2003, provided the period commences no later than 28 November 2003; or (ii) if the date of adoption was on or after 1 October 2003, a period of 26 weeks which immediately follows the date of the adoption

"test period" means the period of 12 months—

- (a) beginning, in the case of a maternity payment, on the date which falls 21 months before the expected date of confinement;
- (b) beginning, in the case of a paternity payment, on the date which falls 12 months before the date of birth or adoption;
- (c) beginning, in the case of an adoptive leave payment, on the date which falls 12 months before the date of adoption; and

"week" means a period of 7 days beginning with midnight between Sunday and Monday.

(2) 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.

Conditions of Entitlement

2.—(1) Subject to sub-paragraphs (5) and (6), a dentist who, at the date when the claim is made, satisfies the conditions specified in sub-paragraph (2), (3) or (4) and who makes a claim to the CSA, in accordance with paragraph 5, shall be entitled to a maternity, paternity or adoptive leave payment calculated in accordance with paragraph 3.

(2) The maternity payment conditions are that:—

- (a) subject to sub-paragraph (5), that the dentist's name has been included in a dental list for a period of at least 2 years, the last 26 weeks of which period must be continuous and immediately precede the 15th week before the expected week of confinement;
- (b) the dentist has become pregnant and has reached, or been confined before reaching, the commencement of the 11th week before the expected week of confinement;
- (c) the dentist has ceased to provide general dental services, wholly or partly because of pregnancy or confinement, although her name remains included in the dental list; and
- (d) the dentist has met the earnings requirement.

(3) The paternity payment conditions are that—

- (a) subject to sub-paragraph (5), the dentist's name has been included in a dental list for a period of at least 2 years, the last 26 weeks of which must be continuous and immediately precede the date of birth or adoption;
- (b) the dentist's wife or partner has—
 - (i) given birth, or
 - (ii) has adopted a child and will be the main care provider and the dentist is also an adoptive parent of that child;
- (c) the dentist has met the earnings requirement.

(4) The adoptive leave payment conditions are that—

- (a) subject to sub-paragraph (5), the dentist's name has been included in a dental list for a period of at least 2 years, the last 26 weeks of which period must be continuous and immediately precede the date of adoption;
- (b) the dentist has become the adoptive parent of a child and is the main care provider for that child;
- (c) the dentist has ceased to provide general dental services, wholly or partly because of that adoption, although the dentist's name remains included in the dental list; and
- (d) the dentist has met the earnings requirement.

(5) In the case of a dentist who has undergone one year's approved vocational training, the two years mentioned in sub-paragraph (2)(a), (3)(a) and (4)(a) shall be reduced to one year.

(6) A dentist who is in receipt of—

- (a) payments in consequence of suspension under Scottish Ministers' Determination made under Regulation 32 of the National Health Service (General Dental Services) (Scotland) Regulations 1996; or
- (b) payments in consequence of suspension under Part V of the National Health Service (General Dental Services) (Scotland) Regulations 1996;

shall not be entitled to payments under this Determination.

Calculation of the Amount of Payments

3.—(1) Subject to sub-paragraphs (2), (4) and (5), the amount of the payment payable in respect of each week is the weekly rate equivalent of the dentist's net earnings.

(2) The amount of the payment payable in respect of each week may not exceed £1,183.00.

(3) Where, for any part of the test period, a dentist, was employed as a vocational trainee, the dentist shall be treated for each financial year or part thereof in that test period as having had gross earnings calculated as follows in relation to the figures listed below—

- (a) where that dentist's contracted hours of employment each week were 35 hours or more, a sum equivalent to such proportion of the figure listed as the period of vocational training bears to the test period; or
- (b) where that dentist's contracted hours of employment each week were less than 35 hours, a sum calculated in accordance with sub-paragraph (a) and discounted by a percentage equivalent to the difference between those contracted hours and 35;

and, for the purposes of calculating the dentist's gross earnings over the test period, that amount shall be added to that dentist's gross earnings for the remainder of the test period.

The sums referred to in sub-paragraphs (a) and (b) are

for 2001/02 £112,784
for 2002/03 £116,844
for 2003/04 £120,612.

(4) Where, prior to 1 April 2003 a dentist has received maternity payments under an entitlement beginning before and continuing after that date, the payments already calculated under that entitlement falling due on or after that date shall be increased by 3.225 per cent.

(5) Where sub-paragraph (4) does not apply, and any part of the test period falls before 1 April 2002, then, for the purposes of calculation of the amount of payments only, the gross earnings earned in this part of the test period shall be increased by 6.94 per cent.

(6) Where sub-paragraph (4) does not apply, and any part of the test period falls after 1 April 2002 and before 1 April 2003, then, for the purposes of calculation of the amount of payments only, the gross earnings earned in this part of the test period shall be increased by 3.225 per cent.

Duration and Payment of Payments

4.—(1) Subject to sub-paragraph (3), a payment calculated in accordance with paragraph 3 shall be payable in respect of each week during the pay period.

(2) Payments:—

- (a) shall be payable monthly in arrears and only for complete weeks; and
- (b) shall not be payable in respect of any week falling more than 5 weeks before the date on which the dentist makes the claim.

(3) A payment shall not be payable in respect of any week in the pay period during which the dentist provides general dental services for any Health Board or a primary care NHS trust in whose dental list that dentist's name is included.

(4) Where a dentist who is in receipt of payment dies before the end of the pay period, the CSA shall pay to that dentist's executor or personal representatives the balance of payments due for as many weeks of the pay period as were not paid at the date on which the dentist died.

(5) The payments shall be included in the dentist's monthly schedule of fees paid by the CSA.

Claims for Payment

5.—(1) A dentist shall make a claim for payments on a form supplied by the Health Board or a primary care NHS trust, or a form to like effect, and shall include with the claim the intended dates of the pay period and:—

- (a) in the case of claim for a maternity payment, the documents required under sub-paragraph (2);
- (b) in the case of a claim for a paternity payment, the documents required under sub-paragraph (3); or
- (c) in the case of a claim for an adoptive leave payment, the documents required under sub-paragraphs (4) and (5).

(2) The documents required under this sub-paragraph are—

- (a) a maternity certificate or other statement completed by a registered medical practitioner or registered midwife, giving the expected week of confinement or, as the case may be, the date of confinement; and
- (b) a declaration in writing that she intends to return to dental practice to provide general dental services within a period of one year after the date of confinement and that she agrees to repay any maternity payment made to her if she fails to do so; and
- (c) a declaration in writing that she has not made a claim for maternity payments in respect of the expected confinement or confinement in respect of any other Health Board or a primary care NHS trust on whose dental list her name is included.

(3) The documents required under this sub-paragraph are—

- (a) in respect of the birth of a child, declarations by the dentist—
 - (i) of the expected or actual date of birth; and
 - (ii) that the dentist is the husband or partner of the mother, will share responsibility for the child's upbringing and is taking time off to support the mother or to care for the child; or
- (b) in respect of the adoption of a child, documents showing the date on which the child is expected to be placed for adoption or the actual date of the placement, the date the adopter was notified of having been matched with the child and declarations that the dentist—
 - (i) is the partner of the main care provider;
 - (ii) will share responsibility for the child's upbringing; and
 - (iii) is taking time off to support his partner or to care for the child;

and in either case a declaration in writing that he has not made a claim for paternity payments in respect of the birth or adoption in respect of any other Health Board or a primary care NHS trust on whose dental list his name is included.

(4) The documents required under this sub-paragraph are documents showing—

- (a) the date on which the child is expected to be placed for adoption or the actual date of the placement and the date the adopter was notified of having been matched with the child endorsed by the appropriate adopting agency with its name and address and a matching certificate giving equivalent details; or
- (b) in the case of an inter-country adoption—
 - (i) the date on which the adopter received official notification;
 - (ii) the expected date the child will enter the United Kingdom or the date upon which the child did so enter; and
 - (iii) a copy of the official notification and evidence of the date of the child's arrival; and

that the dentist will be the main care provider or that child.

(5) The documents required under this sub-paragraph are declarations in writing that the dentist—

- (a) intends to return to the dental practice to provide general dental services within a period of one year after the adoption and that the dentist agrees to repay any payment made if the dentist fails to do so; and

- (b) has not made a claim for payment in respect of the adoption in respect of any other Health Board or a primary care NHS trust on whose dental list the dentist's name is included.

(6) Where a dentist's name is included in the dental list of more than one Health Board or a primary care NHS trust, the dentist shall make the claim for payments in respect of the Health Board or a primary care NHS trust for whom that dentist provides the greater or greatest proportion of general dental services at the date of claim.

(7) Where a dentist's entitlement to payments depends on a period during which the dentist's name was included in a dental list in England, Northern Ireland or Wales or earnings for such a period, the claim for payments must include sufficient information to enable the CSA to determine entitlement and consent to the disclosure of information by an equivalent authority covering England, Northern Ireland or Wales, where appropriate.

Failure to Return to Work

6.—(1) Subject to sub-paragraphs (2) and (3), a dentist who does not return to dental practice to provide general dental services within 1 year of the date of confinement or the date of the adoption, as the case may be, shall repay to the Health Board or a primary care NHS trust all payments made under this Determination, if required to do so by the Health Board or a primary care NHS trust, within such period as the Health Board or a primary care NHS trust consider to be reasonable.

(2) Sub-paragraph (1) shall not apply in any case where a dentist is unable to return to dental practice because of sickness or such other circumstances as the Health Board or a primary care NHS trust consider reasonable provided that the dentist eventually returns to dental practice to provide general dental service for at least a calendar month.

(3) The Health Board or a primary care NHS trust may waive repayment of payment in any case where it considers that a dentist is unable to return to work because of exceptional circumstances.