STATUTORY RULES OF NORTHERN IRELAND

1996 No. 114

HEALTH AND PERSONAL SOCIAL SERVICES

General Dental Services (Amendment) Regulation z (Northern Ireland) 1996

Made - - - -	*22nd March 1996*
Coming into operation	*1st April 1996*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 61(1), (2) and (2AA), 106 and 107(6) of, and paragraph 8E of Part I of Schedule II to, the Health and Personal Social Services (Northern Ireland) Order 1972(**1**) and of all other powers enabling it in that behalf, and in conjunction with the Department of Finance and Personnel and after consultation with such organisations as appeared to the Department to be representative of the dental profession as required by Article 61(4) of the said Order, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the General Dental Services (Amendment) Regulations (Northern Ireland) 1996 and shall come into operation on 1st April 1996.

(2) In these regulations, "the principal regulations" means the Health and Personal Social Services General Dental Services Regulations (Northern Ireland) 1993(**2**).

Amendment of Schedule 2 to the principal regulations

2. In Schedule 2 to the principal regulations (terms of service for dentists), after paragraph 31 there shall be inserted—

"**Complaints**

31A.—(1) Subject to sub-paragraph (2), a dentist shall establish, and operate in accordance with this paragraph, a procedure (in this paragraph and in paragraph 31B referred to as a "practice based complaints procedure") to deal with any complaints made by or on behalf of his patients and former patients.

(**1**) S.I.1972/1265 (N.I. 14) as amended by Article 13 of S.I. 1978/1907 (N.I. 26); Articles 30, 34 and 35 and Part I of Schedule 5 to, and Part I of Schedule 6 to, S.I. 1991/194 (N.I. 1); paragraph 8E of Part I of Schedule 11 was inserted by Article 4 of S.I. 1995/2704 (N.I. 14)

(**2**) S.R. 1993 No. 326 as amended by S.R. 1993 No. 401 and S.R. 1995 No. 488

(2) The practice based complaints procedure to be established by a dentist may be such that it also deals with complaints made in relation to one or more other dentists.

(3) A practice based complaints procedure shall apply to complaints made in relation to any matter reasonably connected with the dentist's provision of general dental services and within the responsibility or control of—

(a) the dentist;

(b) any other dentists either employed by him or engaged as a deputy;

(c) a former partner of the dentist;

(d) an employee of the dentist other than one falling within head (*b*),

and in this paragraph and paragraph 31B, references to complaints are to complaints falling within this sub-paragraph.

(4) A complaint may be made on behalf of a patient or former patient with his consent, or—

(a) where the patient is a child under 16—

(i) by either parent, or in the absence of both parents, the guardian or other adult person who has care of the child, or

(ii) where the child is in the care of a Board or HSS trust to whose care he has been committed under the provisions of the Children and Young Persons Act (Northern Ireland) 1968(**3**) or in the care of a voluntary organisation, by that Board or HSS trust or voluntary organisation; or

(b) where the patient is incapable of making a complaint, by a relative or other adult person who has an interest in his welfare.

(5) Where a patient has died a complaint may be made by a relative or other adult person who had an interest in his welfare or, where the patient was as described in head (*a*)(ii) of sub-paragraph (4), by the Board or HSS trust or voluntary organisation.

(6) A practice based complaints procedure shall comply with the following requirements—

(a) the dentist shall specify a person (who need not be connected with the dentist's practice and who in the case of an individual, may be specified by his job title) to be responsible for receiving and investigating all complaints;

(b) all complaints shall be—

(i) recorded in writing,

(ii) acknowledged, either orally or in writing, within the period of three days (excluding Saturdays, Sundays and Bank and Public Holidays) beginning with and including the day on which the complaint was received by the person specified under head (*a*), or where that is not possible as soon as reasonably practicable, and

(iii) properly investigated;

(b) within the period of 10 days (excluding Saturdays, Sundays and Bank and Public Holidays) beginning with and including the day on which the complaint was received by the person specified under head (*a*) or, where that is not possible as soon as reasonably practicable, the complainant shall be given a written summary of the investigation and its conclusions;

(d) where the investigation of the complaint requires consideration of the patient's dental records, the person specified under head (*a*) shall inform the patient or person acting on his behalf if the investigation will involve disclosure of information contained in

(**3**) 1968 c. 34