

Government Response: The National Health Service (Performers Lists) (Wales) (Amendment) Regulations 2020

Merit Scrutiny point 2:

As is set out in the “Background and Purpose” section of the draft LJCC report, from 1 September 2020, foundation dentists no longer hold a contract of employment with an approved trainer. Their contract of employment will instead be with Velindre University NHS Trust under the direction of the NHS Wales Shared Services Partnership committee who will act as a single lead employer for all foundation dentists in Wales.

This is the only change to policy and it is of a technical and administrative nature. The change must however be reflected in the principal Regulations and that is why the Explanatory Note to the Regulations stipulates that “These Regulations amend the principal Regulations to align the applicable legislative provisions with the change to policy.”

The statement in the Explanatory Memorandum that “The 2020 Regulations support an administrative change and not a change in policy” could have been clearer in that the amendments made by the Regulations do not reflect a change to the substantive policy, whilst the Explanatory Note to the Regulations could also have been clearer to include wording to clarify the change to policy as being technical and administrative in nature. Neither statement is however incorrect.