

Dear Colleague

## AMENDMENT NO. 151 TO THE STATEMENT OF DENTAL REMUNERATION

### Summary

1. This letter advises NHS Boards and Practitioner Services of the publication of an amendment to the Statement of Dental Remuneration (SDR), Amendment No. 151, which takes effect from 1 February 2021.

### Action for NHS Boards

2. NHS Boards should ensure that:
- they urgently issue the Memorandum to this letter to all dentists and dental bodies corporate on their dental list;
  - they have read and are aware of the new arrangements in the attached Memorandum.

31 August 2021

#### Addresses

##### For action

Chief Executives, NHS Boards

Director, Practitioner Services

##### For information

Chief Executive,  
NHS National Services Scotland

Chief Executive,  
NHS Education for Scotland

Directors of Dentistry

#### Enquiries to:

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## Action for Practitioner Services

3. The Memorandum advises NHS dental contractors of the inclusion of contractors who are the intended parent of a child born through a surrogacy arrangement in the eligibility for paternity payments and adoptive leave payments.

4. Where requested to do so by a NHS contractor who has taken leave on, or after, 1 February 2021, as a result of becoming the intended parent of a child born through a surrogacy arrangement, Practitioner Services must process an application for these payments using the new arrangements.

Yours sincerely,



TOM FERRIS  
Chief Dental Officer

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

**AMENDMENT NO. 151 TO THE STATEMENT OF DENTAL REMUNERATION**

1. The amount of maternity, paternity and adoptive leave payments that a NHS dental contractor may receive has recently been updated. Under these recent changes contractors can apply for a flat-rate maternity, paternity or adoptive leave payment of up to £1,399.00 per week, per dentist, pro-rated by the contractor's whole time equivalent (WTE) hours and the NHS commitment level.
2. Amendment No. 151 advises of an update to the eligibility criteria for paternity payments and adoptive leave payments to include those contractors who become the intended parent of a child born through a surrogacy arrangement.
3. Amendment No. 151 will come into effect from 1 February 2021.
4. Any NHS dental contractor who has taken leave as a result of becoming an intended parent of a child born through a surrogacy arrangement on, or after, 1 February 2021 will be entitled to submit an application to Practitioner Services for these payments.
5. A copy of Amendment No. 151 to the SDR can also be viewed at: <https://www.scottishdental.org/>.

**Enquiries**

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

Primary Care Directorate  
31 August 2021

# Statement of Dental Remuneration

## DETERMINATION V

### MATERNITY PAYMENTS, PATERNITY PAYMENTS AND ADOPTIVE LEAVE PAYMENTS

Determination V describes the amount and duration of maternity, paternity and adoptive leave payments which can be claimed. It also explains the eligibility conditions for these payments, including how they apply to surrogacy arrangements; how to make a claim; and what happens if a dentist fails to return to work after claiming these payments.

#### Conditions of Eligibility

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

(2) The maternity payment conditions are that:

- (a) the dentist's name has been included in sub-part A of the first part of a dental list, for at least 2 years, the last 26 weeks of which must be continuous and immediately precede the 15th week before the expected week of confinement;
- (b) the dentist has reached, or been confined before reaching, the 11th week before the expected week of confinement;
- (c) the dentist has ceased to provide general dental services because of pregnancy but their name remains included in sub-part A of the first part of the dental list;
- (d) the dentist will transfer care of their patients, including any patient registrations, to the dentist or deputy who is taking over responsibility for their patients during the pay period; and

(3) The paternity payment conditions are that:

- (a) the dentist's name has been included in sub-part A of the first part of a dental list, for at least 2 years, the last 26 weeks of which must be continuous and immediately precede the date of birth<sup>1</sup> or adoption;
- (b) the dentist's spouse or partner has:
  - (i) given birth,
  - (ii) adopted a child and is the main care provider and the dentist is also an adoptive parent of that child, or
  - (iii) become the intended parent through a surrogacy arrangement and is the main care provider, and the dentist is also an intended parent of the child through that surrogacy arrangement;

<sup>1</sup> In a surrogacy arrangement, this is the date of birth of the child in that arrangement.

(4) The adoptive leave payment conditions are that:

- (a) the dentist's name has been included in sub-part A of the first part of a dental list, for at least 2 years, the last 26 weeks of which must be continuous and immediately precede the date of adoption, or the date of birth of the child in a surrogacy arrangement;
- (b) the dentist has:
  - (i) become the adoptive parent of a child and is the main care provider for that child, or
  - (ii) become the intended parent through a surrogacy arrangement and is the main care provider for the child;
- (c) the dentist has ceased to provide general dental services because of the adoption or surrogacy arrangement, but their name remains included in sub-part A of the first part of the dental list;
- (d) the dentist will transfer care of their patients, including any patient registrations, to the dentist or deputy who is taking over responsibility for their patients during the pay period; and

(5) In the case of a dentist who has undergone one year's approved vocational training, the two years mentioned in paragraph 1(2)(a), 1(3)(a) and 1(4)(a) will be reduced to one year.

(6) A dentist who is in receipt of payments in consequence of suspension under Scottish Ministers' Determination made under regulation 26 of the National Health Service (General Dental Services) (Scotland) Regulations 2010 will not be entitled to payments under this Determination.

### **Amount of Payments**

2.— (1) The amount payable per week will be a maximum of £1,399.00 per dentist, pro-rated by:

- (a) the whole time equivalent hours the dentist normally provides; and then by
- (b) the dentist's NHS commitment level.

### **Duration of Payments**

3.— (1) Subject to paragraph 3(3), a payment calculated in accordance with paragraph 1 will be payable in respect of each week during the pay period for a maximum of 26 weeks.

(2) Payments will:

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

(3) A payment will not be payable for any week in the pay period during which any activity goes through on the dentist's list number.

(4) Where a dentist who is in receipt of payment dies before the end of the pay period, the CSA will 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 will be included in the dentist's monthly schedule of fees paid by the CSA.

## Claims for Payment

4.—(1) A dentist must submit a claim for payment, on an electronic form supplied by the CSA, on which they must make a declaration confirming:

- (a) for a maternity payment:
  - (i) that they have a maternity certificate or other statement completed by a registered medical practitioner or registered midwife, giving the expected or actual date of confinement;
  - (ii) the whole time equivalent hours they normally provide;
  - (iii) their NHS commitment level.
  - (iv) that they intend to return to practice and provide general dental services, for a minimum of 30 calendar days, within one year of the date of confinement and agree to repay any maternity payments if they do not return to provide general dental services;
  - (v) that they have not made a claim for maternity payments for this confinement or expected confinement in any other Health Board on whose dental list they are included; and
  - (vi) that they will provide proof to support their declaration if required to do so by the CSA.
- (b) for a paternity payment:
  - (i) the expected or actual date of birth<sup>2</sup> of the child or, where the child is adopted, the expected or actual date the child is to be placed for adoption and the date the adopter was notified of having been matched with the child;
  - (ii) that they will share responsibility for the child's upbringing and are taking time off to support their partner or to care for the child;
  - (iii) the whole time equivalent hours they normally provide;
  - (iv) their NHS commitment level.
  - (v) that they have not made a claim for paternity payments for the birth<sup>3</sup> or adoption of this child in any other Health Board on whose dental list they are included; and
  - (vi) that they will provide proof to support their declaration if required to do so by the CSA .
- (c) for an adoptive leave payment:
  - (i) the expected or actual date the child is to be placed for adoption or the expected or actual date of birth of the child in a surrogacy arrangement;
  - (ii) the date the adopter was notified of having been matched with the child or, in a surrogacy arrangement, that they have, or intend to apply for, a parental or adoption order for the child;
  - (iii) that the dentist will be the main care giver for the child
  - (iii) the whole time equivalent hours they normally provide;
  - (iv) their NHS commitment level.

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<sup>2</sup> In a surrogacy arrangement, this is the date of birth of the child in that arrangement.

<sup>3</sup> In a surrogacy arrangement, this is a reference to the birth of the child in that arrangement.

(v) that they intend to return to dental practice to provide general dental services, for a minimum of 30 calendar days, within one year of the date of adoption, or the date of birth of the child in a surrogacy arrangement, and agree to repay any adoptive leave payment if they do not return to provide general dental services;

(vi) that they have not made a claim for adoptive leave payments for this child in any other Health Board on whose dental list they are included; and

(vii) that they will provide proof to support their declaration if required to do so by the CSA.

(2) Where a dentist's name is included in sub-part A of the first part of the dental list of more than one Health Board, the dentist shall make the claim for payments in respect of the Health Board for whom that dentist provides the greater or greatest proportion of general dental services at the date of claim.

(3) 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 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.

(4) Where a dentist takes paternity leave other than as two consecutive weeks the dentist must submit a separate claim for payment for each individual week of paternity leave.

### **Failure to Return to Work**

5.—(1) Subject to paragraph 5(2), a dentist who does not return to dental practice to provide general dental services, for a minimum of 30 calendar days, within 1 year of the date of confinement, the date of the adoption or the date of birth of the child in a surrogacy arrangement, as the case may be, must repay all payments made under this Determination, if required to do so by the Health Board, within such period as the Health Board considers to be reasonable.

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

### **Interpretation**

6. In this Determination, unless the context otherwise requires:

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

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

"dental list" means a dental list prepared by a Health Board in accordance with regulation 4(1) of the National Health Service (General Dental Services) (Scotland) Regulations 2010 or any equivalent to such list prepared by an equivalent body in England, Northern Ireland or Wales;

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

"deputy" means a dentist who acts on behalf of another dentist, other than in the capacity of an assistant, for the purpose of providing general dental services;

"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;

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

Regulations 2010 that is assigned by the CSA to an individual dentist at a specific practice and which is used for the purpose of making payments;

“intended parent through a surrogacy arrangement” means one of a couple who has applied for, or intends to apply for, a parental or adoption order for a child, and includes a person who has obtained such a parental or adoptive order;

“NHS commitment level” means the average percentage of time spent on NHS work compared to private work in a typical week;

"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;

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

“payment” means a maternity payment, a paternity payment, or an adoptive leave payment;

"pay period" means—

- (a) for a maternity payment, a period not exceeding 26 weeks which starts—
  - (i) no earlier than 11 weeks 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 earlier than 11 weeks before the expected week of confinement;
- (b) for a paternity payment, a period not exceeding 2 weeks, which need not be taken consecutively but must be taken in full weeks, within 26 weeks of the date of birth<sup>4</sup> or adoption;
- (c) for an adoptive leave payment, a period not exceeding 26 weeks which immediately follows the date of the adoption, or in a surrogacy arrangement the date of birth of the child;

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

“Whole time equivalent hours” means a working week, combining both NHS work and private work, with a minimum of 37.5 hours per week.

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<sup>4</sup> In a surrogacy arrangement, this is the date of birth of the child in that arrangement.