



The **Regulation** and  
**Quality Improvement**  
Authority

# Regulation of Private Dental Treatment in Northern Ireland

Dental Manual

February 2011

informing and improving health and social care  
[www.rqia.org.uk](http://www.rqia.org.uk)

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# 1 Introduction

The Regulation and Improvement Authority (Independent Health Care) (Fees and Frequency of Inspections) (Amendment) Regulations (Northern Ireland) 2011 require providers of private dental care and treatment in Northern Ireland to be registered by the Regulation and Quality Improvement Authority (RQIA) as of 1st of April 2011.

This manual provides an overview of the system for the regulation of all dental practices providing private dental care and treatment in Northern Ireland from 1 April 2011.

It describes the main obligations under regulation (registration and inspection), and highlights the key dates and timescales for the initial registration of existing dental practices.

## 1.1 About the Regulation and Quality Improvement Authority

RQIA is the independent health and social care regulatory body for Northern Ireland. In its work RQIA encourages continuous improvement in the quality of services, through a planned programme of inspections and reviews.

In 2005, RQIA was established as a non departmental public body (NDPB) under The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003. The vision of RQIA is to be a driving force for positive change in health and social care in Northern Ireland through four core activities:

- Improving Care: we encourage and promote improvements in the safety and quality of services through the regulation and review of health and social care.
- Informing the Population: we publicly report on the safety, quality and availability of health and social care.
- Safeguarding Rights: we act to protect the rights of all people using health and social care services.
- Influencing Policy: we influence policy and standards in health and social care.

## 1.2 The Role of the Regulation and Quality Improvement Authority

RQIA is responsible for registering, inspecting and encouraging continuous improvement in a range of health and social care services delivered by statutory and independent providers, in accordance with The Health and Personal Social Services (Quality, Improvement and Regulation)(Northern Ireland) Order 2003, and its supporting regulations.

The purpose of regulation is to protect people who use health and social care services, and to ensure that these individuals are receiving a standard of care which means that their wellbeing and safety is being properly promoted and protected.

In addition to independent health care providers, which from 1 April 2011 include providers of private dental care, RQIA also regulates a range of other health and social care services. These include: nursing, residential care and children's homes; adult placement, domiciliary care, voluntary adoption and nursing agencies; day care settings and residential family centres.

RQIA maintains a register of all regulated establishments and agencies. Any person who carries on or manages such an establishment or agency must make an application to RQIA. Should registration be granted, a certificate of registration is issued to the applicant which must be clearly displayed in the establishment or agency.

RQIA is also responsible for inspecting registered establishments and agencies to ensure that they comply with the appropriate regulations and minimum standards for that service. If a service falls below the minimum standard or fails to meet regulatory requirements, RQIA will work with them to ensure that they return to compliance as quickly as possible. If a service fails to comply or improve, RQIA will take swift action to protect people who use the service, using enforcement powers as necessary.

### **1.3 Legislative Framework**

In 2011 following an amendment to The Independent Health Care Regulations (Northern Ireland) 2005, establishments providing private dental care or treatment are subject to the requirements of The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (the Order) and will be registered as independent hospitals.

An exclusion from regulation applies to dental practices delivering exclusively health and social care (HSC) services. This is explicit within The Independent Health Care Regulations (Northern Ireland) 2005 as amended.

Fees for registration of private dental establishments are specified in the Regulation and Improvement Authority (Fees and Frequency of Inspections) Regulations (Northern Ireland) 2005 as amended by The Regulation and Improvement Authority (Independent Health Care) (Fees and Frequency of Inspections) (Amendment) Regulations (Northern Ireland) 2011 for independent hospitals.

The legislation identified as relevant to the regulation of private dental treatment in Northern Ireland is provided in Appendix 1.

Regulation consists of two components:

- registration
- inspection

## **2 Registration with RQIA**

### **2.1 Introduction**

#### **2.1.1 Purpose of Registration**

A system of registration allows people who use health and social care services to be confident that all registered providers (including private dental providers) are legally permitted and fit to provide that service.

Registration:

- Informs applicants they are involved in a regulated sector, governed by a legal process
- Makes it clear that the regulatory authority carries out a gate keeping role which vets individuals and services for fitness
- Communicates that this is an ongoing process, which checks that providers continue to be fit to deliver an appropriate standard of service as prescribed by government and the regulatory authority by complying with regulations, standards and guidance

From 1 April 2011, all dental practices which provide private dental care and treatment must be registered with RQIA. To be registered with RQIA, a dental practice must show that it is meeting appropriate minimum standards of quality and safety in all of its regulated activities.

As part of the registration process, RQIA assesses the suitability and fitness of people, organisations and premises to operate a service. All information supplied with an application is checked to determine the following:

- Fitness of premises - that the premises are fit for the purpose of the service
- Fitness of persons - that the persons nominated as a responsible person/individual and a manager of the service are fit to perform these functions
- Fitness of services and establishments - the services and establishments (including policies and procedures) meet legal requirements, are suitable and safe and meet the needs of patients as determined by standards set by the Department of Health, Social Services and Public Safety (DHSSPS)

#### **2.1.2 Why are Dental Practices Required to Register?**

From 1 April 2011 all dental practices providing any private dental care and treatment are subject to the requirements of The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 and are required to be registered with RQIA.

While RQIA is registering dental practices, as part of this process, specific individuals within practices will also need to make an application for registration. This depends on whether a practice is a single-handed practice, a partnership, a limited company or part of a corporate body.

Please note that dental practices which deliver exclusively HSC services are exempt from regulation by RQIA. However, it should be understood that if a practice provides any private dental care, such as services that are outside the Statement of Dental Remuneration (SDR) (e.g. posterior composites, mouth guards, vital bleaching, or services within the SDR provided on a private basis) this will mean that they are subject to regulation. Any practice claiming exemption must demonstrate that they do not provide any treatments outside HSC services.

Any practices that are not subject to regulation by RQIA will remain subject to the criteria applying in relation to their service arrangements with the HSC Board.

### **2.1.3 Can Registration be Avoided?**

Article 12 (1) of The Health and Personal Social Services (Quality, Improvement and Regulation)(Northern Ireland) Order 2003 states:

"Any person who carries on or manages an establishment or agency of any description without being registered under this Part in respect of it (as an establishment or, as the case may be, an agency of that description) shall be guilty of an offence".

This means that if a person who carries on a dental practice, who is required to register with RQIA does not do so, and continues to provide private dental services, they are committing an offence and are liable to prosecution.

## **2.2 The Application Process**

### **2.2.1 Submission of Application**

The first step in the registration process is to complete an application pack. Application forms with associated guidance will be sent by RQIA to all practices on or before 1 April 2011, by recorded delivery. Forms must be completed and returned to RQIA, with the required information and appropriate fees, within the timescales stated.

The application form seeks the following information about the applicant(s) and, if required, a registered manager:

- evidence of identification
- references

- medical fitness
- qualifications and employment history

Information is also required about the purpose, function of the service and details of the premises where the service is being provided.

The application pack includes guidance to aid completion and a checklist to identify if the applicant has provided all the necessary information and documentation.

You must:

- Fully complete and return the application pack within six weeks from 1 April 2011
- Attach the necessary original documents as set out in the application pack
- Enclose payment of the appropriate registration fees

Failure to submit an application will be considered an offence and enforcement action may be taken against any person who continues to carry out an establishment without registration.

It is important that the application is completed fully and correctly. If any information is missing the application will be considered to be incomplete and it will be returned.

## **2.2.2 Processing of Applications by RQIA**

### **Assessment of Application**

If a dental practice provides private dental care and treatment, it must be registered by RQIA. Application packs will be made available by RQIA tailored specifically to the registration of dental practices. The pack includes application forms and detailed guidance which aims to assist with the completion of the application and the submission of associated documentation.

- Read the forms carefully to ensure that you understand fully the contents and the additional documents that RQIA is required to receive by law
- Complete all relevant forms carefully and gather all supporting documentation
- Send your application along with the supporting documentation and the appropriate fee to RQIA at the address provided

Upon receipt of an application and non-refundable fee, RQIA staff will check that the application is complete. Incomplete applications will not be processed and applicants will be contacted appropriately.

When all the correct documentation and the appropriate fees have been received, the application for registration process can begin. The outcome of this process will determine if an application is approved or refused.

An application will be approved only if all required criteria are met. Incomplete applications will be returned for completion.

An application may be refused if any of the required criteria are not met. It is the responsibility of the applicant to demonstrate fitness.

### **Checking of Application Details**

Once an application form and the required fees have been returned to RQIA

- RQIA's registration team will review the application and all enclosed information. If any information is missing, the application will be returned with a cover sheet indicating what aspects of the application are incomplete.
- RQIA's inspection team will review the quality of the information that has been received and this will include a check of the references that have been provided. It is the responsibility of the applicant to ensure that the referees are contactable and understand the context in which they are providing a reference. If there are any queries regarding the information that has been provided, the inspection team will contact the applicant(s) for clarification.
- If the information is complete then the responsible person(s) will be contacted to arrange a pre-registration inspection of the practice. This will be carried out by a team of RQIA inspectors, with professional input provided by HSC Board dental staff.

### **AccessNI Checks**

Schedule 2 (4) of The Regulation and Improvement Authority (Registration) Regulations (Northern Ireland) 2005 asks that anyone applying for registration as a person who carries on an establishment or agency must provide an enhanced criminal record certificate.

Schedule 3 (12) asks for an enhanced criminal record certificate for those people applying as a registered manager.

To apply for registration with RQIA (as a responsible person/individual or registered manager) an Access NI enhanced disclosure form must be completed and returned, with the required original identification documentations to the RQIA registration team. A payment of £30.00 is required and should be added to the registration fee(s) payable to RQIA. Please ensure that all correspondence is marked as confidential.

On receipt of the completed form and fee, information will be verified and the application countersigned by an authorised signatory of RQIA. RQIA will then forward the application form to Access NI, with original identification documentation being returned to the applicant by recorded delivery.

### **Issue of Registration Certificate**

On successful completion of the registration process, RQIA will issue a certificate of registration which will contain the following information:

- the name, address and telephone number of RQIA
- the name and address of the person who has been registered as the person who carries on the establishment or agency
- where the person is an organisation, the name of the responsible individual
- the name of the person registered as the manager of the establishment or agency
- the description of the establishment or agency by reference to the description of establishment or agency specified in section 8(1) or (2) of the Order

The registration certificate must be displayed in a conspicuous place in the dental practice in accordance with Article 28 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003.

## **2.3 Who Has to Make an Application?**

### **2.3.1 Responsible Person**

The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 and The Independent Health Care Regulations (Northern Ireland) 2005 require the identification of a responsible person(s)/individual, depending on whether a practice is single-handed, a partnership or part of an organisation. The responsible person(s)/individual then makes an application to RQIA.

The Regulation and Improvement Authority (Registration) Regulations (Northern Ireland) 2005 define an organisation as: "a body corporate or any unincorporated association other than a partnership". This means that any dental practice that is a limited company, limited liability partnership or part of a corporate body is an organisation for the purposes of regulation.

The responsible person(s)/individual is responsible for carrying on the service (i.e. private dental care and treatment) and must be registered with RQIA. Please note that the responsible person(s)/individual will also be held accountable for any failings with the service.

If a number of practices are owned either by an individual, a partnership or an organisation, a separate application and a separate fee is needed for each practice.

| <b><u>Legal Entity of Provider</u></b> | <b><u>Who is required to apply for registration</u></b>  |
|--|--|
| <b>Single-handed Practice</b>          | The sole dentist is the responsible person and needs to complete an application form.  |
| <b>A Practice with a Sole Owner</b>    | Where a practice is owned by one person who may then have several associates or assistants, only the owner is deemed to be the responsible person and needs to register as such.   |
| <b>Partnerships</b>                    | Where the practice is a partnership, all partners must complete an application form and register as responsible persons. This includes expenses sharing partnerships where again all partners need to register. If an existing partner leaves or a new partner joins, this creates a new partnership, which is a new legal entity requiring a new registration. Associates or assistants are not required to register. |
| <b>Limited Company</b>                 | Where the practice is an organisation, such as a limited company, the company should nominate a single person as responsible individual who will complete the application form on behalf of the company. The responsible individual is the individual overseeing management of the practice.   |
| <b>Limited Liability Partnership</b>   | By definition a limited liability partnership is an organisation and has to nominate a single person as responsible individual who then completes the application form on behalf of the partnership.   |
| <b>Corporate Body</b>                  | Where a corporate body owns a number of practices in Northern Ireland, only one person needs to be nominated as the responsible individual and completes the application form on behalf of the corporate body.   |

### 2.3.2 Registered Manager

A practice may also be required to appoint a registered manager.

Forms and guidance on how to register a manager are supplied as part of the registration pack. The practice will have to decide if it is required to appoint a registered manager. A practice may wish to appoint a manager where there is no requirement to appoint.

Regulation 11 of The Independent Health Care Regulations (Northern Ireland) 2005, Appointment of manager states:

11–(1) The registered provider shall appoint an individual to manage an establishment or agency if–

- (a) there is no registered manager in respect of the establishment or agency and
- (b) the registered provider
  - (i) is an organisation or partnership;
  - (ii) is not a fit person to manage an establishment or agency; or
  - (iii) is not, or does not intend to be, in full time day-to-day charge of the establishment or agency.

Therefore, the provider type of the dental practice determines whether a registered manager is required:

| <b>Type of Provider of Dental Practice</b>   | <b>Requirement to appoint a registered manager</b>  |
|--|---|
| <b>Individual</b>  | No requirement if Individual in day-to-day charge of the practice.  |
| <b>Partnership</b>   | Required to appoint a registered manager. A nominated responsible person can also become registered manager<br>An application fee for registration as manager will still be applicable. |
| <b>Organisation</b><br>(i.e. corporate body, limited company, limited liability partnership) | Required to appoint a registered manager.   |

If a registered manager has to be appointed, a fee of £261 is required (see section on registration fees).

A manager is registered in respect of each individual dental practice. However in exceptional circumstances it might be possible for an individual manager to manage more than one practice. A completed application form and separate fee will be required in respect of each subsequent establishment the manager makes an application in respect of.

## 2.4 Information to be Supplied as Part of the Application for Registration

The application form asks for certain information to be supplied, regarding the person(s) making the application, the practice and also staff working in the practice.

#### **2.4.1 Information to be Supplied in Relation to the Responsible Person/s**

The following information is needed for each applicant and each applicant in a partnership as the responsible person:

- Full name, date of birth, address, phone number and email address
- Details of the applicant's professional or technical qualifications relevant to the running of a dental practice
- Employment history which should include name and address of present employer (if relevant) and any previous employers
- Details of any other business(es) the applicant carries on or has carried on
- Two references that have been supplied by referees:
  - who are not relatives of the applicant
  - each of whom is able to provide a reference as to the responsible person's competence to operate a dental practice
  - one of whom is the applicant's current or most recent employer and has employed the person for a period of three months in the last five years (may not be possible and if so does not apply)
- Details of any criminal offences

Where the applicant's practice is a partnership, in addition to the above information, the name and address of the partnership should be supplied (if this is different from the practice details).

Where the applicant's practice is a limited company, in addition to the above information, the name of the organisation and the address of the registered office or principal office of the organisation should be supplied (if this is different from the practice details).

Where the applicant's practice is part of a corporate body, in addition to the above information, the name and address of the principal office of the corporate body should be supplied.

#### **2.4.2 Documents to be Supplied in Relation to the Responsible Person/s**

- The applicant's birth certificate and a passport sized photograph
- Certificates or other suitable evidence relating to the applicant's professional or technical qualifications, relevant to running a dental practice (This will include details of relevant dental qualifications.) Please supply copies of original certificates. Also please supply a copy of latest GDC registration certificate and indemnity certificate.
- A report by a general medical practitioner as to whether the applicant is physically and mentally fit to carry on a dental practice (A pro forma is supplied with the application form for completion)

by the applicant's GP. Where the applicant is unable to obtain the report, a statement by them as to the state of their physical and mental health will be sufficient)

- An enhanced criminal record certificate (see 2.2.2)

### **2.4.3 Information to be Supplied by the Applicant as Registered Manager**

A number of practices will be required to appoint a registered manager. If a manager needs to be appointed, the following information must be supplied and this will be included on a separate manager's registration form which is included in the application pack. This must be completed by the person making the application as the manager, in its entirety, and submitted along with the appropriate fee before the registration process can proceed.

- The applicant's full name, date of birth, address and telephone number
- Details of the applicant's professional or technical qualifications, and experience of managing a dental practice.
- Details of the applicant's professional training relevant to carrying on or managing a dental practice.
- Details of the applicant's employment history, including the name and address of the present employer and of any previous employers.
- Details of any business the applicant carries on or manages or has carried on or managed.
- The name and address of two referees.
  - who are not relatives of the applicant
  - each of whom is able to provide a reference as to the applicant's competence to manage a dental practice
  - one of whom has employed the applicant for a period of at least three months in the last five years (this does not apply if it is impractical to obtain this reference)
  - name, address, phone number, fax number and email address of the dental practice

### **2.4.4 Documents to be Supplied by the Applicant as Registered Manager**

Certain documents also need to be supplied as part of the registration process for a manager.

- The applicant's birth certificate and a passport sized photograph
- A report by a medical practitioner as to whether the applicant is physically and mentally fit to manage a dental practice. Where the applicant is unable to obtain a report a statement by the applicant as to the state of their physical and mental health will be sufficient

- An enhanced criminal record certificate (see 2.2.2)

#### **2.4.5 Information to be Provided About the Practice**

The application form asks for certain details regarding the practice:

- Name, address, telephone number, fax number (if applicable) and e-mail address
- The date on which the practice was established or is proposed to be established
- The description of the establishment or agency
- A statement as to the accommodation, facilities and services which are to be provided by the establishment or agency including the extent and where appropriate location of such accommodation facilities and services
- In respect of the premises to be used as an establishment:
  - a description of the premises, including a statement as to whether the premises are purpose built or have been converted for use as an establishment
  - a description of the area in which the premises are located
  - details of the scale of charges payable by service users a written statement as to whether at the date the application is made the premises are capable of:
    - achieving the aims and objectives set out in the statement of purpose (see later) of the establishment or agency without the need for planning permission, building works or conversion of the premises and if the premises are not capable of such use at the date the application is made, details of the planning permission, building works or conversion needed
    - providing facilities and services in accordance with the statement referred to above regarding the functions of the practice
- A statement as to the security arrangements, including arrangements for the purposes of:
  - safeguarding access to information held by the establishment
  - restricting access from adjacent premises or when the premises form part of a building, from other parts of the building
- The name and address of any other establishment or agency of a description specified in Regulation 8(1) or (2) of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 in which the applicant has or has had a business or financial interest, or at which he is or has been employed and details of such interest or employment
- Whether any other business is or will be carried out in the same premises as those of the establishment or agency, and if so, details of such business

Further guidance on these statements is included in Appendix 3.

## **Information about Staff**

The Regulation and Improvement Authority (Registration) Regulations (Northern Ireland) 2005 require certain information to be supplied regarding staff who work in the practice. This includes details of all associates, assistants, practice managers, dental nurses, dental therapists, dental hygienists and reception staff.

For the purpose of this application please provide a profile of staff employed within the dental practice. A template for completion is contained within the registration self assessment (4.1.1).

The information detailed at Appendix 2 must be in place for each new member of staff who is employed following registration with RQIA.

## **Statement of Purpose**

The Independent Health Care Regulations (Northern Ireland) 2005 require the applicant to prepare a written statement of purpose for their practice/ organisation. This should be submitted with the application form as part of the registration process.

The information that should be included in a statement of purpose is set out in Schedule 1 of The Independent Health Care Regulations (Northern Ireland) 2005 and includes:

- the aims and objectives of the practice
- the name and address of the registered person(s) and of any registered manager
- the relevant qualifications and experience of the registered person(s) and any registered manager
- the number, relevant qualifications and experience of the staff working in the practice
- the organisational structure of the practice
- the kinds of treatment and any other services provided for the purposes of the practice
- the range of needs those services are intended to meet
- the facilities which are available for the benefit of the patients
- the arrangements made for consultation with patients about the operation of the practice
- the arrangements for dealing with complaints
- the arrangements for respecting the privacy and dignity of patients

A sample statement of purpose is included in Appendix 4

## **Patient's Guide**

The Independent Health Care Regulations (Northern Ireland) 2005 require the registered person to produce a patient guide which contains the following information.

If a practice already has a practice leaflet, it should be a simple exercise to include the necessary additional information:

- a summary of the statement of purpose
- the terms and conditions in respect of services to be provided for patients, including as to the amount and method of payment of charges for all aspects of their treatment
- a standard form of contract for the provision of services and facilities by the registered provider to patients
- a summary of the complaints procedure established under Regulation 23
- a summary of the results of the consultation (with patients) conducted in accordance with Regulation 17(3)
- the address and telephone number of RQIA
- the most recent inspection report prepared by RQIA or information as to how a copy of that report may be obtained

## **Financial Position of the Practice**

Regulation 27 (1) of The Independent Health Care Regulations (Northern Ireland) 2005 states:

"The registered provider shall carry on the establishment or agency in such a manner as is likely to ensure that the establishment or agency will be financially viable for the purpose of achieving the aims and objectives set out in the statement of purpose".

Regulation 27 (2) states:

"The registered person shall, if the Regulation and Improvement Authority so requests, provide the Regulation and Improvement Authority with such information and documents as it may require for the purpose of considering the financial viability of the establishment or agency".

A list of the financial information which needs to be submitted to RQIA as part of the application process is summarised below. A registration cannot proceed in the absence of any of the information outlined.

## **Summary of Financial Information Required for Registration**

The following information is required by RQIA:

1. A statement from the responsible person/individual stating whether they have ever been declared bankrupt or if their estate has ever been placed in receivership
2. Reference from the applicant's bank giving an opinion as to the applicant's financial standing
3. If a limited company a corporate body or a limited liability company, the last two annual reports including accounts
4. If an organisation - details of staff allowing RQIA to identify those who control the organisation
5. For a business that is not a limited company - copies of the last two years accounts
6. Statement from the applicant giving assurance as to the current and future funding of the practice.
7. A copy of the employer's liability insurance.

More detailed information of what will be required is provided in Appendix 5

### 3 Fees

A non-refundable registration fee is required to be paid when an application is submitted. The application process cannot commence until the appropriate fee has been paid. This applies equally to registered person/individual applications and also to registered manager applications.

#### 3.1 Registration Fees

The registration fees must be submitted with the completed application form for registration, as well as any supporting documentation or evidence. It should be noted that the application fees are non-refundable. For the purpose of paying application fees, dental practices where private dental treatment is provided, will fall within the category of independent hospitals (i.e. as set under legislation for service providers and healthcare establishments registering with RQIA) and the corresponding fees are outlined in the table below.

| Fee Category                                     | Fee Amount (£) |
|--|----------------|
| Registration of Person Carrying on Establishment | 952            |
| Person Seeking to be Registered as Manager       | 261            |

The Regulation and Improvement Authority (Independent Health Care) (Fees and Frequency of Inspections) (Amendment) Regulations (Northern Ireland) 2011 contain amendments to the relevant fee charging regulations to enable a fee charge for the registration and inspection of private dental establishments. This states that the fee charge for initial registration will be £952. Where a registered manager has been appointed other than the registered provider in full time day-to-day charge of the practice surgery, a fee charge of £261 will also be applied.

#### 3.2 Annual fees

As per Article 17 of The Health and personal Social Services (Quality , Improvement and Regulation) (Northern Ireland) Order 2003. Once registered with RQIA providers of independent hospitals providing private dental treatment are required to pay an annual fee.

In the case of dental practices, The Regulation and Improvement Authority (Fees and Frequency of Inspections) Regulations (Northern Ireland) 2005 amended by The Regulation and Improvement Authority (Independent Health Care) (Fees and Frequency of Inspections) (Amendment) Regulations (Northern Ireland) 2011 stipulate **an annual fee of £46 per practice chair**. The first annual fee (pro rata) is payable on the date of successful registration and the subsequently, on the same date every year.

## **4. Inspection**

### **4.1 Pre-Registration Inspection**

#### **4.1.1 Quality of Care and Quality of Premises**

The Independent Health Care Regulations (Northern Ireland) 2005 require RQIA to ensure that service provision provided at practices applying for registration is of a suitable quality.

The Regulations also require RQIA to ensure that premises are suitable for the purpose of achieving the aims and objectives set out in the statement of purpose.

In ensuring the quality of care and quality of premises, as part of the registration process, RQIA will carry out an initial pre-registration inspection of the practice. This will take account of the following:

- The Independent Health Care Regulations (Northern Ireland) 2005
- Department of Health, Social Services and Public Safety (DHSSPS) Minimum Standards for Dental Care and Treatment - Supporting Good Governance in Dental Practice (October 2009)<sup>1</sup>
- Quality Standards for Health and Social Care (DHSSPS, March 2006);
- Draft DHSSPS Independent Health Care Minimum Standards - Hospitals and Clinics (DHSSPS, March 2005)

As part of the registration process, RQIA must ensure that service provision is of a suitable quality. This is carried out as a two stage process:

- A Registration Self Assessment - is provided as part of the application pack. This should be completed and returned with the rest of the required information.
- Pre-registration inspection of the practice.

Following the pre-registration inspection there are a number of possible outcomes:

- The inspection is satisfactory - registration is approved and a certificate is issued.
- The inspection identifies a certain number of requirements and recommendations but no risk to patient safety - approval of registration with conditions.

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<sup>1</sup> In tandem with regulation, minimum care standards which have already been consulted upon, will apply equally to private and HSC dental treatment. RQIA will apply these standards, alongside the regulations, in conducting its inspections.

- The inspection identifies a number of issues that would be a risk to patient safety - refusal of registration until these issues have been addressed.

#### **4.1.2 Fit Person Interview**

Regulation 5 of The Regulation and Improvement Authority (Registration) Regulations (Northern Ireland) states:

"The responsible person shall attend an interview for the purpose of enabling the Regulation and Improvement Authority to determine whether the applicant is fit to carry on or manage the establishment or agency in respect of which the applicant seeks to be registered".

In the interests of easing the burden on practitioners, this interview will be combined with the pre-registration inspection visit, which will be conducted by RQIA officers.

#### **4.2 Annual Inspection**

The Regulation and Improvement Authority (Fees and Frequency of Inspections) Regulations (Northern Ireland) 2005 Regulation 6 states that dental practices will be inspected as a minimum once per year, or more often if a risk is identified.

Therefore, as part of a process that monitors compliance with legislative requirements and minimum standards, RQIA will carry out an annual inspection of each registered dental practice. Inspections will mainly be announced but can be unannounced.

Following the initial pre-registration inspection, and following each subsequent annual inspection, a practice will be issued with an inspection report, and if appropriate a quality improvement plan (QIP). This will outline any requirements and recommendations (as appropriate) identified by the inspection team. Requirements are based on legislation and must be complied with, while recommendations are based on minimum standards and good practice and should be complied with timescales will be set by which time a practice must be fully compliant with any necessary requirements and have addressed any recommendations.

## **5 Obligations as a Registered Provider**

The Independent Health Care Regulations (Northern Ireland) 2005 specify legislative requirements in the form of regulations which must be complied with. Registered providers should familiarise themselves with the regulations and the following are examples of some of the regulatory obligations of a registered provider.

### **5.1 Complaints**

Regulation 23 of The Independent Health Care Regulations (Northern Ireland) 2005 requires the registered person to establish a procedure for receiving, managing and responding to complaints made to the registered person by a patient or a person acting on behalf of a patient. The regulation also requires that the registered person maintain a record of all complaints, and supply annually to RQIA a summary of complaints made during the preceding 12 months and the actions taken in response.

### **5.2 Records**

Regulation 21 of The Independent Health Care Regulations (Northern Ireland) 2005 specifies the arrangements for the maintenance of patient records and other records specified in Schedule 3 of the regulations. The regulations also advise records should be kept up to date, available for inspection at all times and retained for a period of not less than three years from the date of the last entry.

### **5.3 Notification of Deaths and Other Events**

Regulation 28 of the Independent Healthcare Regulations (Northern Ireland) 2005 requires the registered person to notify RQIA in the event of the death of a patient in specified circumstances and of the significant events such as serious injury to a patient, outbreak of infection, any event affecting the wellbeing of a patient, allegation of misconduct or any theft, burglary or accident in the practice.

Notice should be given within 24 hours and, if given verbally, should be confirmed in writing as soon as practicable.

RQIA operates an electronic reporting system for notification of deaths and other events. Information regarding the notification system will be provided at the pre-registration inspection.

### **5.4 Notice of Absence**

Regulation 29 of The Independent Health Care Regulations (Northern Ireland) 2005 requires that if the registered provider, in day to day charge of the establishment, or the registered manager propose to be absent from the practice for a continuous period of 28 days or more

they should provide written notice to RQIA. Unless it is an emergency, notice should be given one month in advance. The regulation specifies information that should be included in the notice, including the reason for absence and arrangements to be put in place. In an emergency RQIA should be notified within one week. Notification of the return to work of the registered persons should also be made no later than seven days after their return.

## **5.5 Death of a Registered Person**

Regulation 32 of The Independent Health Care Regulations (Northern Ireland) 2005 requires RQIA to be notified of the death of any of the registered persons and advise as necessary arrangements to be put in place.

## **5.6 Application for Variation of Registration Details**

Once a practice has registered with RQIA, re-application on an annual basis is not required. However, a separate application is required if there are alterations to the registration in the future by:

- varying or removing one or more conditions of registration
- adding a regulated activity
- adding or removing a location
- cancelling registration of an activity, service or registered manager

A fee is also required when making a variation to a registration as set out in The Regulation and Improvement Authority (Fees and Frequency of Inspections) Regulations (Northern Ireland) 2005.

The fee that accompanies an application for a variation to a registration is £100, except in the case of a minor variation (defined as a variation which in the opinion of RQIA would involve no material alteration to the register kept by RQIA). In this case the fee is £25.

## **6 Compliance with Regulations**

All registered establishments and agencies are required to comply with the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 and for dental practices, The Independent Health Care Regulations. Failure to comply with the Order or the service specific regulations will constitute an offence and could result in enforcement action being taken.

The RQIA Enforcement Policy is available to download on the RQIA website.

All responsible persons should familiarise themselves with the 2003 Order, The Independent Health Care Regulations (Northern Ireland) 2005 as amended and the other regulations cited in Appendix 1.

## 7 Contact Details

Your questions, queries and application should be directed to RQIA at:

The Regulation and Quality Improvement Authority  
9<sup>th</sup> Floor  
Riverside Tower  
5 Lanyon Place  
Belfast  
BT1 3BT

Telephone : 028 9051 7500

Fax : 028 9051 7501

Email: [info@rqia.org.uk](mailto:info@rqia.org.uk)

Web: [www.rqia.org.uk](http://www.rqia.org.uk)

## **8 Appendices**

Appendix 1 - Legislation and Further Information

Appendix 2 - Information in the Future to be Supplied for Any New  
Members of Staff

Appendix 3 - Information about the Practice

Appendix 4 - Sample Statement of Purpose for "The Anywhere Dental  
Practice"

Appendix 5 - Financial Information to be Supplied as Part of  
Registration

## Appendix 1 - Legislation and Further Information

The following items of legislation specifically apply to regulation of providers of Private Dental Care and Treatment -

- The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 as amended
- The Independent Health Care Regulations (Northern Ireland) 2005
- The Regulation and Improvement Authority (Registration) Regulations (Northern Ireland) 2005 as amended
- The Regulation and Improvement Authority (Fees and Frequency of Inspections) Regulations (Northern Ireland) 2005 as amended
- The Independent Health Care Regulations (Northern Ireland) 2005 as amended
- The Regulation and Improvement Authority (Independent Health Care) (Fees and Frequency of Inspections) (Amendment) Regulations (Northern Ireland) 2011

Electronic copies of legislation applicable to the work of RQIA can be found under -

<http://www.rqia.org.uk/publications/legislation.cfm>

The DHSSPSNI has published Minimum Standards for Dental Care and Treatment available via -

<http://www.dhsspsni.gov.uk/minimumstandardsfordentalcareandtreatment.pdf>

Further information in relation AccessNI and the process to obtain an enhanced disclosure, can also be obtained from the AccessNI Code of Practice -

<http://www.accessni.gov.uk/home/who-uses-ani/code-of-practice.htm>.

## **Appendix 2 - Information to be supplied in the Future for Any New Members of Staff**

The following information is required in respect of any person other than the applicant, who works at, or is intended to work at the practice:

- the person's name, sex and date of birth
- the person's responsibilities in relation to his/her work
- if he/she is a relative of any person who has made application in respect of the establishment or agency, his relationship to the person
- whether the person is full-time or part-time, and if part-time the number of hours worked
- the date on which the person commenced or is intending to commence work at the practice
- information as to the person's qualifications, experience and skills in so far as is relevant to the work the person is to perform
- a statement by the applicant that he /she is satisfied as to the:
  - the suitability of the person's qualifications for the work the person is to perform
  - whether the person has the skills necessary for such work
  - the person's fitness to work, and have regular contact with service users
- a statement by the person as to the state of his/her physical and mental health
- a statement by the applicant that the person is physically and mentally fit for the purpose of the work which he/she is to perform
- a statement by the applicant that as to whether he/she is satisfied as to the person's identity, the means by which he/she so satisfied him/herself and whether he/she has obtained a copy of the person's birth certificate
- confirmation by the applicant that he/she has a recent photograph of the person
- statement by the applicant that he/she has obtained two references relating to the person and that he is satisfied as to the authenticity of those references
- details of any criminal offences of which the person has been convicted, including details of any convictions which are spent within the meaning of The Rehabilitation of Offenders (Northern Ireland) Order 1978 and which may be disclosed by virtue of the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979, and in relation to each such offence, a statement by the person as to
  - whether in his/her view the offence is relevant to his suitability to care for, train, supervise or be in sole charge of any person and if so
  - as to why he/she considers that he/she is suitable to perform the work in which he/she is to be employed

- details of any criminal offences in respect of which he/she has been cautioned by a constable and which, at the time the caution was given he/she admitted

## **Appendix 3 - Information About the Practice**

Three short written statements are required to be produced regarding the practice.

### **Statement 1**

A short statement detailing:

- the date on which the practice was established (if not known then state not known) or in the case of a new practice the date that it will be established
- a description of the establishment - this could be a dental practice that offers both private and HSC dentistry or one that offers private treatment only
- accommodation, facilities and services offered - this could include accepting a full range of patients, opening hours, parking availability, disability access, out of hours cover and availability of hygienist services. It could also include the availability of specialist services such as oral surgery, orthodontics, implants and also whether referrals are accepted
- a description as to whether the practice is purpose built and also the area where it is located - this could include rural, city, high street etc.

### **Statement 2**

The second short statement could include:

- sentence indicating that the practice is capable of meeting the aims and objectives set out in the statement of purpose without any alterations. If alterations are necessary to achieve the aims and objectives set out in the statement of purpose then these should be outlined and the dates that they will be achieved
- a sentence outlining that the practice is capable of providing the services outlined in the first statement without alterations to the practice and if any alterations are necessary then details of those alterations and timescales

### **Statement 3**

The third short statement should include:

- how access to information held by the practice is made secure - this should include details of where patient records, staff records and any other patient identifiable data is held and how access to this information is controlled e.g. storage in locked filing cabinets and who has access to keys

- restricting access to the premises this could include details of alarm systems, keyholders etc.

## **Appendix 4 - Sample Statement of Purpose for "The Anywhere Dental Practice"**

### **1. The Aims and Objectives of the Establishment or Agency**

The aims and objectives of the dental practice are:

- to provide for all dental patients, a service of consistently good quality that meets their needs and wishes
- to ensure that staff are trained and competent through investment and personal development
- to provide for patients a personal service integrating the highest quality products with the latest proven techniques and protocols
- to deliver a high class service in line with all professional standards
- to ensure that patients are treated with honesty and integrity, in complete confidence and with the utmost discretion, in comfortable surroundings

### **2. The Name and Address of the Registered Provider and of Any Registered manager**

Details of the name and practice address of the applicant and of any manager who is also part of the application.

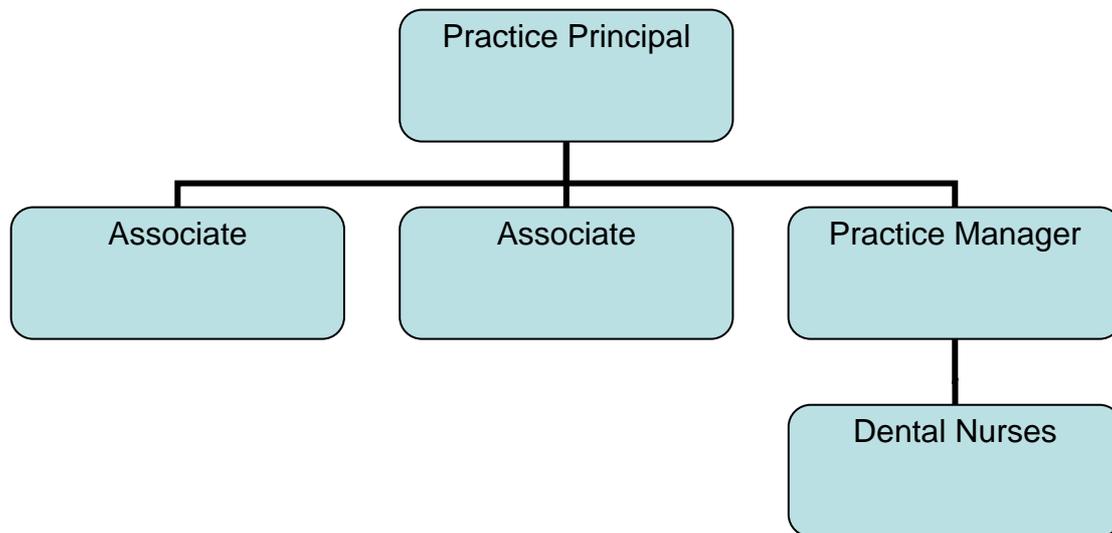
### **3. The Relevant Qualifications and Experience of the Registered Provider and Any Registered Manager**

Qualifications of the applying dentist and any relevant qualifications of any managers making an application (if applicable). This will include qualifications and training/experience relevant to the services outlined in 2.4.

### **4. The Number, Relevant Qualifications and Experience of Staff Working in the Establishment, or for the Purposes of the Agency**

Details of all staff - including dentists, hygienists, therapists, dental nurses and, if applicable, receptionists.

**5. The Organisational Structure of the Establishment/Agency**



**6. The kinds of treatment and any other services provided for the purposes of the establishment/agency, the range of needs which those services are intended to meet, and the facilities which are available for the benefit of patients**

The Anywhere Dental Practice aims to improve patients self esteem, self image and confidence by offering professional dental services of the highest quality.

The Anywhere Dental Practice provides diagnostic, preventive, restorative and surgical dental procedures for (whole population, adults, children) and has access for the disabled. In this section add any specific specialities such as implants, orthodontics, referral services.

- Out of Hours Cover:** Provided by <Name>  
BCH/Craigavon/Dalriada/Other.
- Cancellation Policy:** At least 48 hours notice is required of a cancellation otherwise a charge of £20 will be made.
- Smoking Policy:** The practice is a no smoking area
- Methods of Payment/Credit:** All major credit/debit cards are accepted. If paying by cheque seven working days must be allowed for clearance.
- Disability Compliance:** The practice has a ground floor surgery and so is suitable for the majority of service users.

**7. The Arrangements Made for Consultation with Patients About the Operation of the Establishment/Agency**

It is the policy of The Anywhere Dental Practice to carry out annual and regular random patient surveys to seek the views of patients as to the quality of the treatment and care provided by our personnel.

The results of these surveys will be available in the waiting room for patients and their families. They will also be made available to RQIA for the purpose of the annual inspection visit.

**8. The Arrangements Made for Contact Between Any Inpatients and Their Relatives, Friends and Representatives**

There are no inpatient services in the practice and so this section is not applicable.

**9. The Arrangements for Dealing with Complaints**

The Anywhere Dental Practice operates a complaints procedure which is in compliance with the HSC complaints procedure and also in compliance with The Independent Healthcare Regulations (Northern Ireland) 2005.

Patients are asked that in the event any complaint to speak or write to <Name>, the practice manager. A copy of the complaints process is held in the waiting room.

We will acknowledge complaints within two working days and will aim to have investigated the complaint within ten working days of the date when the matter was raised. If there are any delays in the process the complainant will be informed.

When a complaint is investigated we will aim to:

- find out exactly what happened and what went wrong
- make it possible for the complainant to discuss the problem with those concerned
- make sure the complainant receives an apology where appropriate
- identify learning from the complaint to ensure the problem does not happen again

The outcome of the investigation will be shared with the complainant either in person or in writing.

**10. The Arrangements for Respecting the Privacy and Dignity of Patients**

The privacy and dignity of patients is respected at all times.

All consultations/treatments are carried out in person with patients by qualified personnel in the privacy of the surgery. Records of all consultations and treatments are kept in patient's notes.

If patients have a preference for consultation/treatment with a male or female member of staff, please make this request when making an initial appointment.

The practice has a policy of patient confidentiality and all information and records are kept securely.

**Signed** \_\_\_\_\_

**Designation** \_\_\_\_\_

**Date** \_\_\_\_\_

## Appendix 5 - Financial Information to be Supplied as Part of Registration

### Information and Documents Review

**Applicant for Registration of Responsible Provider for:**

**Regulations 3 and 4 and Schedules 1 to 8 of The Regulation and Improvement Authority (Registration) Regulations (Northern Ireland) 2005 specify the information and documents that are to be provided by an applicant for registration.**

**The application form indicates the requirements.**

**For ease of reference the requirements relating specifically to financial and business matters are drawn together in the check list below:**

| Item | Regulation                          | What the regulations say  | Further explanation   | Yes/No/N-A |
|------|-------------------------------------|---|---|------------|
| 2.   | Sched. 1 - 4. (a);<br>Sched. 2 - 8. | A reference from a bank expressing an opinion as to the applicant's financial standing;<br>Except where an applicant is a HSS Board or Trust  | This a reference from the applicant's bank (iro the relevant business a/c) advising RQIA of whether they think you are a reliable customer.   |            |
| 3.   | Sched. 1 - 4. (b);                  | A statement as to whether the responsible person has been adjudged bankrupt, or sequestration of his estate has been ordered, or he has made a composition or arrangement with, or granted a trust deed for, his creditors. | This is a statement from the responsible person stating whether they have ever been declared bankrupt, or if their estate has been placed in receivership.  |            |
| 4.   | Sched. 1 - 4. (d);                  | A business plan in respect of the establishment or agency.  | This should include forecast income and expenditure and profit and loss for two years. Your Accountant should be able to help you with this. (You don't need this if you can provide accounts for your business). |            |
| 5.   | Sched. 1 - 4. (e);                  | Details as to cash-flow in respect of the establishment or agency.  | Again your Accountant may be able to help you to provide a cash-flow statement. (You don't need this if you can provide accounts for your business).  |            |
| 6.   | Sched. 2 - 5;                       | Where the applicant is a corporate body,  | If you are a limited company and have produced Annual Reports   |            |

|     |                       |   |  |  |
|-----|-----------------------|---|--|--|
|     |                       | a copy of its last two annual reports.  | including accounts, please send us reports for the last two years.   |  |
| 7.  | Sched. 8 - 2;         | Where the registered person is an organisation -<br>(a) the address of the registered office or principal office of the organisation;<br>(b) the full names, dates of birth and addresses of any individual who is a director, manager, secretary or other officer of an organisation and is responsible for supervising the management of the establishment or agency. | Please provide this information to allow us to identify those in the organisation who control the business.  |  |
| 8.  | Sched. 2 - 6;         | Where the organisation is a subsidiary of a holding company, the name and address of the registered or principal office and the last two annual reports (if any) of the holding company and of any other subsidiary of that holding company.  | If you are applying as a subsidiary organisation of another business we need the Annual Report and Accounts of the ultimate holding company and all its subsidiaries for the past two years. |  |
| 9.  | Sched. 2 - 7;         | The last annual accounts (if any) of the establishment or agency.   | For an existing business that is not a limited company, please provide your last two years accounts.   |  |
| 10. | Sched. 1 - 4.<br>(c); | A statement as to the applicant's ability to ensure the financial viability of the establishment or agency for the purpose of achieving the aims and objectives set out in its statement of purpose.  | The responsible person can provide a statement giving an assurance on the current & future arrangements for funding the business. Your bank manager or accountant may help you with this.    |  |
| 11. | Sched. 2 - 9;         | A certificate of insurance for the  | Please send a copy of your insurance policy document giving  |  |

|  |  |  |                             |  |
|--|--|--|-----------------------------|--|
|  |  | applicant in respect of liability which may be incurred by him in relation to the establishment or agency in respect of death, injury, public liability, damage or other loss. | schedule of cover provided. |  |
|--|--|--|-----------------------------|--|

Note -

You may find it helpful to discuss these requirements with your Bank Manager or Accountant. A reason should be given for the non-submission of an item.

Definitions:

- An applicant can be either an individual, a partnership or an organisation
- The responsible person for an applicant who is an individual is the individual
- The responsible person(s) for an applicant who is a partnership is each member of the partnership
- The responsible person for an applicant who is an organisation is a responsible individual. A responsible individual means an individual who is a director, manager, secretary or other officer of an organisation and is responsible for supervising the management of an establishment or agency



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