

## EQUALITY IMPACT ASSESSMENT RECORD

<b>Title of policy/ practice/ strategy/ legislation etc.</b>	<b>The National Health Service (General Dental Services) (Miscellaneous Amendment) (Scotland) Regulations 2023 (“the Amendment Regulations”)</b>	
<b>Minister</b>	<b>Minister for Public Health and Women’s Health</b>	
<b>Lead official</b>	<b>David Notman</b>	
<b>Officials involved in the EQIA</b>	<b>name</b>	<b>team</b>
	<b>David Notman Susan Osbaldstone Jillian Aitken Nicole Alterado</b>	<b>Dental Team Dental Team Dental Team Dental Team</b>
<b>Directorate: Division: Team</b>	<b>Primary Care: Dentistry, Optometry and Community Audiology: Dental Team.</b>	
<b>Is this new policy or revision to an existing policy?</b>	<b>New policy</b>	

### Screening

#### *Policy Aim*

The Amendment Regulations will contribute to Scottish Government’s national outcomes for health. These changes are being introduced as part of a wider programme of payment reform in NHS dentistry which was announced on 27 July 2023.

Payment reform will comprise a new, modernised system that will provide NHS dental teams with greater clinical discretion, improve preventive care, deliver better periodontal treatment and provide the full range of NHS care and treatment to all patients, whilst supporting patient understanding of the NHS dental treatment offer.

Payment reform affirms the Government's commitment to sustaining and improving access to NHS dental services, in line with the First Minister's Policy Prospectus.

The Amendment Regulations will make specific legislative changes to support payment reform, along with a range of miscellaneous changes that the Government intended to take forward at the next available opportunity.

The Amendment Regulations make changes to the following:

- The National Health Service (General Dental Services) (Scotland) Regulations 2010;
- The National Health Service (Choice of Dental Practitioner) (Scotland) Regulations 1998;
- The National Health Service (Dental Charges) (Scotland) Regulations 2003; and
- The National Health Service (Discipline Committees) (Scotland) Regulations 2006.

The main changes being taken forward to support payment reform are:

- replacing the existing capitation arrangement for children and continuing care arrangement for adults, with a single capitation arrangement for all patients. This will enable the removal of the distinction between adult and child dental services and support the full range of NHS care and treatment being provided, where appropriate, to all patients; and
- removing references to occasional treatment. Currently, patients who are not registered with a dentist are only able to receive a limited range of treatment. By removing occasional treatment all patients, regardless of registration status, will be able to receive the full range of NHS care and treatment.

The main miscellaneous changes being taken forward are:

- removing references in the capitation arrangement to the requirement for dentists to 'secure and maintain' the oral health of the patient. This has been updated to refer to the 'management of the oral health of the patient', which is

reflective of more realistic dentistry and acknowledges the role of patients in managing their own oral health;

- removing the provision preventing NHS and private dental treatment being provided on the same tooth. This ensures that patients can continue to receive NHS treatment on a tooth that has also had a private procedure.

***Who will it affect?***

The changes made by the Amendment Regulations will affect the sector (as providers of NHS dental services) and patients, as users.

***What might prevent the desired outcomes being achieved?***

N/A.

## **Stage 1: Framing**

### ***Results of framing exercise***

The framing exercise has identified no negative, and limited positive, potential impacts on the protected characteristics.

Age – No impacts identified.

Disability – No impacts identified.

Sex – No impacts identified.

Gender Reassignment – No impacts identified.

Sexual Orientation – No impacts identified.

Race – The removal of references to occasional treatment will mean that all patients, regardless of whether or not they are registered with a dentist, would be able to access the full range of NHS care and treatment. This may have a positive impact on Gypsy/Traveller patients who may be less likely to be registered with a dentist.

Religion or Belief – No impacts identified.

Pregnancy and Maternity – No impacts identified.

### ***Extent/Level of EQIA required***

We believe that the impact of the Amendment Regulations on the protected characteristics will be predominantly neutral. Therefore, we do not believe that any further investigation is necessary.

## Stage 2: Data and evidence gathering, involvement and consultation

Include here the results of your evidence gathering (including framing exercise), including qualitative and quantitative data and the source of that information, whether national statistics, surveys or consultations with relevant equality groups.

Characteristic <sup>1</sup>	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken
<b>AGE</b>	We did not find any evidence that the Amendment Regulations will have an impact based on age.		We do not believe this change will impact on people based on age. Therefore, no further investigation is required.
<b>DISABILITY</b>	We did not find any evidence that the Amendment Regulations will have an impact based on disability.		We do not believe this change will impact on people based on disability. Therefore, no further investigation is required.
<b>SEX</b>	We did not find any evidence that the Amendment Regulations will have an impact based on sex.		We do not believe this change will impact on people based on sex. Therefore, no further investigation is required.
<b>PREGNANCY AND MATERNITY</b>	We did not find any evidence that the Amendment Regulations will have an impact based on pregnancy and maternity.		We do not believe this change will impact on people based on pregnancy and maternity. Therefore, no further investigation is required.

<sup>1</sup> Refer to Definitions of Protected Characteristics document for information on the characteristics

<p><b>GENDER REASSIGNMENT</b></p>	<p>We did not find any evidence that the Amendment Regulations will have an impact based on gender reassignment.</p>		<p>We do not believe this change will impact on people based on gender reassignment. Therefore, no further investigation is required.</p>
<p><b>SEXUAL ORIENTATION</b></p>	<p>We did not find any evidence that the Amendment Regulations will have an impact based on sexual orientation.</p>		<p>We do not believe this change will impact on people based on sexual orientation. Therefore, no further investigation is required.</p>
<p><b>RACE</b></p>	<p>Evidence suggests that Gypsy/Traveller communities are less likely to be registered with a dentist. The Amendment Regulations will remove occasional treatment, meaning that all patients, regardless of whether or not they are registered with a dentist, would be able to access the full range of NHS care and treatment.</p>	<p><a href="#">Health Inequalities in the Gypsy, Roma and Traveller Community – How we are making change happen? - Our blog - Public Health Scotland</a>  <a href="#">Oral health care in the lives of Gypsy Travellers in east Hertfordshire - PubMed (nih.gov)</a></p>	<p>We believe this change will have limited impact on people based on race. Therefore, no further investigation is required.</p>
<p><b>RELIGION OR BELIEF</b></p>	<p>We did not find any evidence that the Amendment Regulations will have an impact based on religion or belief.</p>		<p>We do not believe this change will impact on people based on religion or belief. Therefore, no further investigation is required.</p>

<p><b>MARRIAGE AND CIVIL PARTNERSHIP</b>  (the Scottish Government does not require assessment against this protected characteristic unless the policy or practice relates to work, for example HR policies and practices - refer to Definitions of Protected Characteristics document for details)</p>	<p>N/A</p>		
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### Stage 3: Assessing the impacts and identifying opportunities to promote equality

Having considered the data and evidence you have gathered, this section requires you to consider the potential impacts – negative and positive – that your policy might have on each of the protected characteristics. It is important to remember the duty is also a positive one – that we must explore whether the policy offers the opportunity to promote equality and/or foster good relations.

#### Do you think that the policy impacts on people because of their age?

Age	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	This policy has no impact on discrimination, harassment and victimisation with regard to age.
Advancing equality of opportunity			X	This policy has no impact on advancing equality of opportunity in relation to age.
Promoting good relations among and between different age groups			X	This policy has no impact on promoting good relations among and between different age groups.

#### Do you think that the policy impacts disabled people?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	This policy has no impact on discrimination, harassment and victimisation with regard to disability.



Advancing equality of opportunity			X	This policy has no impact on advancing equality of opportunity in relation to disability.
Promoting good relations among and between disabled and non-disabled people			X	This policy has no impact on promoting good relations among and between disabled and non-disabled people.

**Do you think that the policy impacts on men and women in different ways?**

<b>Sex</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			X	This policy has no impact on discrimination, harassment and victimisation with regard to sex.
Advancing equality of opportunity			X	This policy has no impact on advancing equality of opportunity in relation to sex.
Promoting good relations between men and women			X	This policy has no impact on promoting good relations between men and women.

**Do you think that the policy impacts on women because of pregnancy and maternity?**

<b>Pregnancy and Maternity</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			X	This policy has no impact on discrimination, harassment and victimisation in relation to pregnancy and maternity.

Advancing equality of opportunity			X	This policy has no impact on advancing equality of opportunity in relation to pregnancy and maternity.
Promoting good relations			X	This policy has no impact on promoting good relations in relation to pregnancy or maternity.

**Do you think your policy impacts on people proposing to undergo, undergoing, or who have undergone a process for the purpose of reassigning their sex? (NB: the Equality Act 2010 uses the term ‘transsexual people’ but ‘trans people’ is more commonly used)**

<b>Gender reassignment</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			X	This policy has no impact on discrimination, harassment and victimisation in relation to people who are undergoing gender reassignment.
Advancing equality of opportunity			X	This policy has no impact on advancing equality of opportunity in relation to people who are undergoing gender reassignment.
Promoting good relations			X	This policy has no impact on promoting good relations in relation to people who are undergoing gender reassignment.

**Do you think that the policy impacts on people because of their sexual orientation?**

<b>Sexual orientation</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			X	This policy has no impact on discrimination, harassment and victimisation in relation to sexual orientation.

Advancing equality of opportunity			X	This policy has no impact on advancing equality of opportunity in relation to sexual orientation.
Promoting good relations			X	This policy has no impact on promoting good relations between people of different sexual orientations.

**Do you think the policy impacts on people on the grounds of their race?**

Race	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	This policy has no impact on discrimination, harassment and victimisation in relation to race.
Advancing equality of opportunity	X			Gypsy/Traveller patients, who may not be registered at a dental practice, will have access to the full range of treatment items that are available to registered patients.
Promoting good race relations			X	This policy has no impact on promoting good relations in relation to race.

**Do you think the policy impacts on people because of their religion or belief?**

Religion or belief	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	This policy has no impact on discrimination, harassment and victimisation in relation to religion or belief.

Advancing equality of opportunity		X	This policy has no impact on advancing equality of opportunity in relation to religion or belief.
Promoting good relations		X	This policy has no impact on promoting good relations between people of different religions and beliefs.

**Do you think the policy impacts on people because of their marriage or civil partnership?**

<b>Marriage and Civil Partnership<sup>2</sup></b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination				N/A.

<sup>2</sup> In respect of this protected characteristic, a body subject to the Public Sector Equality Duty (which includes Scottish Government) only needs to comply with the first need of the duty (to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010) and only in relation to work. This is because the parts of the Act covering services and public functions, premises, education etc. do not apply to that protected characteristic. Equality impact assessment within the Scottish Government does not require assessment against the protected characteristic of Marriage and Civil Partnership unless the policy or practice relates to work, for example HR policies and practices.

## Stage 4: Decision making and monitoring

### *Identifying and establishing any required mitigating action*

Have positive or negative impacts been identified for any of the equality groups?	Yes.
Is the policy directly or indirectly discriminatory under the Equality Act 2010 <sup>3</sup> ?	No.
If the policy is indirectly discriminatory, how is it justified under the relevant legislation?	N/A.
If not justified, what mitigating action will be undertaken?	N/A.

### *Describing how Equality Impact analysis has shaped the policy making process*

Government has had to work at pace to develop payment reform and these Amendment Regulations have been introduced as a result of that work. This EQIA has acted as a check-point to ensure that the impact of these changes on people with protected characteristics was considered. As no impact has been identified it has not been necessary to make any changes to the policy as a result of the EQIA.

### *Monitoring and Review*

The Government will work with British Dental Association Scotland and the wider sector to monitor the effectiveness of the Amendment Regulations.

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<sup>3</sup> See EQIA – Setting the Scene for further information on the legislation.

## Stage 5 - Authorisation of EQIA

Please confirm that:

- ◆ This Equality Impact Assessment has informed the development of this policy:

Yes  No

- ◆ Opportunities to promote equality in respect of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation have been considered, i.e.:

- Eliminating unlawful discrimination, harassment, victimisation;
- Removing or minimising any barriers and/or disadvantages;
- Taking steps which assist with promoting equality and meeting people's different needs;
- Encouraging participation (e.g. in public life)
- Fostering good relations, tackling prejudice and promoting understanding.

Yes  No

- ◆ If the Marriage and Civil Partnership protected characteristic applies to this policy, the Equality Impact Assessment has also assessed against the duty to eliminate unlawful discrimination, harassment and victimisation in respect of this protected characteristic:

Yes  No  Not applicable

### Declaration

**I am satisfied with the equality impact assessment that has been undertaken for The National Health Service (General Dental Services) (Miscellaneous Amendment) (Scotland) Regulations 2023 and give my authorisation for the results of this assessment to be published on the Scottish Government's website.**

**Name:** Tom Ferris

**Position:** Deputy Director for Dentistry, Optometry and Audiology

**Authorisation date:** 23 August 2023