

EQUALITY IMPACT ASSESSMENT - RESULTS

<p>Title of Policy</p>	<p>The National Health Service (General Dental Services) (Miscellaneous Amendment) (Scotland) Regulations 2023 (“the Amendment Regulations”)</p>
<p>Summary of aims and desired outcomes of Policy</p>	<p>To support the implementation of payment reform on 1 November 2023, a number of changes to secondary legislation are required.</p> <p>The main changes being taken forward to support payment reform are:</p> <ul style="list-style-type: none"> • 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.

	<p>The main miscellaneous changes being taken forward are:</p> <ul style="list-style-type: none"> • 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; and • 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.
Directorate: Division: team	Directorate for Primary Care: Dentistry, Optometry and Community Audiology Division: Dental Team

Executive summary

The Scottish Government is bringing forward amendments to the following existing regulations:

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

The changes to the existing regulations will affect the sector (as providers of NHS dental services) and patients, as users.

The EQIA process has allowed the Scottish Government to consider how the legislative changes will impact on the people of Scotland. We are satisfied that these changes will not impact negatively on people with protected characteristics and will have limited positive impacts on the protected characteristics.

Background

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.

Developed as part of the Oral Health Improvement Plan in 2018 the main purpose of payment reform is to improve access to NHS dental services with a new suite of fees incentivising a full range of NHS care and treatment. Payment reform affirms the Government's commitment to sustaining and improving patient access to NHS dental services, in line with the First Minister's Policy Prospectus.

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.

The Scope of the EQIA

The EQIA assessed the potential impact of the legislative changes on protected characteristic groups.

The Scottish Government undertook an initial screening exercise and concluded that there were no negative, and limited positive, potential impacts on the protected characteristics.

Key Findings

There was no evidence found to indicate that people with protected characteristics would be negatively affected by the changes. The changes of moving to a single updated capitation arrangement, removing occasional treatment references and allowing the mixing of private and NHS treatment on a single tooth will impact those with protected characteristics no differently than the impact on those of the general population.

The EQIA did however find that there is potentially a positive impact of advancing equality of opportunity on race. Evidence suggests that Gypsy/Traveller communities are less likely to be registered with a dental practice, which means that there is a reduced number of treatments that they can receive. The removal of occasional treatment codes will mean that Gypsy/Traveller patients will now have access to the full range of treatment items that are available to registered patients.

Recommendations and Conclusion

The EQIA process has allowed the Scottish Government to consider how the changes to the existing regulations will impact on the people of Scotland. We are satisfied that given the evidence gathered there will be no negative impacts on the protected characteristics.