

# **Business and Regulatory Impact Assessment**

## **1. Title of Proposal**

The National Health Service (General Dental Services) (Miscellaneous Amendment) (Scotland) Regulations 2023 (“the Amendment Regulations”).

The existing Regulations being amended are:

- 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.

## **2. Purpose and Intended Effect**

### **Context**

The Government announced on 27 July 2023 payment reform in NHS dentistry with an implementation date of 1 November 2023 (full details on payment reform may be found at: [PCA\(2023\)4 – Fees for Determination I | Scottish Dental.](#))

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 treatments necessary in modern dentistry, whilst supporting patient understanding of the NHS dental treatment offer.

### **Objectives**

The main objective of the Amendment Regulations is to support payment reform for dentists who provide NHS Dental Services. In summary the Amendment Regulations will provide for:

- A single capitation arrangement regardless of the age of the patient. At present children and adults are seen under separate capitation and continuing care arrangements respectively. With payment reform all patients, regardless of age, will be entitled to the same care and treatment items.
- All patients regardless of their registration status will be entitled to the same care and treatment items. At present patients who are not registered for NHS dental services are entitled to a reduced set of care and treatment items

(occasional treatment items). With payment reform all patients will be entitled to the same care and treatment items as appropriate.

The Government has also taken the opportunity to amend and update certain aspects of the existing regulations. This includes revising the terms of the new capitation arrangement to better reflect actual dental practices and more realistic oral health outcomes.

### **Rationale for Government Intervention**

The Government views payment reform as the single most pressing requirement to safeguard NHS dental service provision. The purpose of payment reform is to sustain and improve patient access to NHS dental services.

These Amendment Regulations support payment reform – by moving to a single capitation arrangement and removal of occasional treatment the intention is to support a simplified payment system that does not distinguish between patients based on age nor registration status.

### **3. Consultation**

The Government has consulted with British Dental Association (BDA) Scotland - and the Scottish Dental Practice Committee whose membership includes practice owners - on the policy that supports these Amendment Regulations.

### **4. Options**

The Government views payment reform as the single most important step in sustaining NHS dental services. Access is the primary focus of the Government's policy on NHS dentistry.

The purpose of the Amendment Regulations is to facilitate those aspects of payment reform that require changes to the existing regulations. Key changes, as described above, are a single capitation arrangement regardless of age, and the same care and treatment items available to all patients as appropriate, regardless of registration status.

The intention of payment reform is to ensure parity of treatment - that all patients can receive access to the same NHS care and treatment. The Government views these changes as beneficial to both children and unregistered patients.

### **5. Scottish Firms Impact Test**

The Government has consulted with BDA Scotland - and the Scottish Dental Practice Committee whose membership includes practice owners - on the policy that supports these Amendment Regulations.

We anticipate the changes as a result of these Amendment Regulations will have no detrimental effect on dental practices providing NHS dental services.

### **Competition Assessment**

Not applicable.

### **Consumer Assessment**

As described above the Government views these changes as beneficial to both children and unregistered patients.

### **Test Run of Business Forms**

No effect.

### **6. Digital Impact Test**

No effect.

### **7. Legal Aid Impact Test**

Not applicable.

### **8. Enforcement, Sanctions and Monitoring**

NHS Boards make arrangements with dentists to provide NHS dental services. Boards will continue to monitor the new arrangements as part of the existing processes.

### **9. Implementation and Delivery Plan**

The Amendment Regulations will come into force from 1 November 2023.

### **10. Post-Implementation Review**

The Government will work with BDA Scotland and the wider sector to review the effectiveness of the Amendment Regulations.

### **11. Summary and Recommendations**

In summary, the Scottish Government views the Amendment Regulations to have no adverse effects on the sector.

### **12. Declaration and Publication**

I have read the Business and Regulatory Impact Assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) that the benefits justify the costs. I am satisfied that business impact has been assessed with the support of businesses in Scotland.

SIGNED: Jenni Minto

**Date:** 29/08/23

**Minister's name:** Jenni Minto MSP

**Minister's title:** Minister for Public Health & Women's Health  
**Scottish Government Contact point:** David Notman