

EXPLANATORY MEMORANDUM TO
THE GENERAL DENTAL COUNCIL (PROFESSIONS COMPLEMENTARY
TO DENTISTRY) REGULATIONS ORDER OF COUNCIL 2006

2006 No. 1440

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Description**

- 2.1 This Order approves regulations made by the General Dental Council relating to the regulation of professions complementary to dentistry. The Order covers two areas:

- It identifies the specified professions, clinical dental technicians, dental nurses, dental technicians and orthodontic therapists, and the titles that will apply to those professions,
- It specifies the transitional provisions that will apply to dental nurses and dental technicians in the first two years after the opening of the new dental care professionals register on 31 July 2006. The provisions cover entitlement to registration during this period, and allow unregistered dental nurses and technicians to use the regulated titles without committing an offence.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

- 3.1 None

4. **Legislative Background**

- 4.1 The Regulations which are scheduled to this Order of Council were made under the Dentists Act 1984 (Amendment) Order 2005 (SI 2005/2011). That Order, made under powers in section 60 of the Health Act 1999, gave the General Dental Council power to make regulations specifying professions complementary to dentistry and titles applying to specified professions. The effect of specification in the Regulations is to bring those professions within statutory regulation by the General Dental Council for the first time.

- 4.2 As the Regulations specify professions the regulation of which is considered to be devolved, the instrument is required to be laid before the Scottish Parliament as well as before both Houses of Parliament, and is subject to annulment by resolution of the Westminster or the Scottish Parliament.

4.3 The General Dental Council will shortly be making a further set of Regulations specifying the professions of dental hygienists and dental therapists; the instrument containing an order of the Privy Council approving those Regulations is not required to be laid before the Scottish Parliament, and therefore the specification of those professions will be made in a separate instrument.

5. Extent

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 One of the key policy objectives of the Dentists Act 1984 (Amendment) Order 2005 was to allow the General Dental Council to regulate certain professions complementary to dentistry for the first time. This will bring professions complementary to dentistry under the same regulatory regime as dentists, for example they will be subject to a fitness to practise regime, will be required to satisfy specific educational requirements and undertake continuing professional development.

7.2 At present, only two types of dental auxiliaries - dental hygienists and dental therapists - are regulated by the General Dental Council. These groups are not the subject of these Regulations. They work under the direction of dentists on lists of permitted duties which restrict their discretion in a mechanistic way which may not be necessary for the protection of patients. This is not fully compatible with Government policies to allow the redesign of care around patient needs by allocating different roles to staff, and to encourage staff to build up skills so that they can work at a higher level. Under the new system of regulation, neither dental hygienists and therapists, nor the other professions brought within regulation by this instrument, will be subject to the restrictions which have previously applied to dental hygienists and therapists.

7.3 The Department carried out a three-month public consultation on the draft Dentists Act 1984 (Amendment) Order 2005. This covered the issue of the regulation of Professions Complementary to Dentistry. Over 70 responses were received from a wide range of individuals and groups. There was strong support for the proposed changes to regulation of Professions Complementary to Dentistry with over 73 per cent in favour. Some concerns were raised about patient protection and the need for tighter regulation on training. None were of such significance as to warrant changes to the proposals.

7.4 The General Dental Council carried out its own public consultation on the regulation of Professions Complementary to Dentistry. Approximately 200 copies of the consultation document were issued to stakeholder organisations,

education and training providers, patient and consumer groups, defence organisations and the departments of health. The consultation document was also posted on the General Dental Council website and publicised widely in the dental press. One hundred and twenty two different responses were received from organisations (43) and individuals (79). Responses overall were supportive of the changes.

- 7.5 As a result of the consultation, the General Dental Council agreed to protect the titles 'dental technologist', 'clinical dental technologist' and 'denturist'. It was also decided to protect two other alternative titles (Dental Surgery Assistant as an alternative to Dental Nurse and orthodontic auxiliary as an alternative to orthodontic therapist).

8. Impact

- 8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

- 9.1 Stephen Arthur at the Department of Health (Tel: 0113 254 5789 or e-mail: Stephen.Arthur@dh.gsi.gov.uk) can answer any queries regarding the instrument.