

E: NHSdentistry@gov.scot

21 September 2023

Dear Colleague,

As you will be aware, the most significant payment reform to NHS Dental Services takes effect from 1 November 2023. To implement such significant change requires consequential amendment to existing regulations to modernise and better reflect the present realities of NHS dentistry.

The key changes fall on The National Health Service (General Dental Services) (Scotland) Regulations 2010 ('2010 Regulations'). I have taken the opportunity to outline some of the key changes to the 2010 Regulations below. Additional information on the changes and payment reform is provided separately in the memorandum to PCA(D)(2023)5.

Whilst this letter and accompanying PCA give an overview of changes to aid better understanding, it is for reference only. It is not intended to be a substitute for a dentist or dental body corporate making themselves familiar with the full content of their terms of service.

The replacement of the existing capitation and continuing care arrangements with a single capitation arrangement for all patients, regardless of the age of the patient

I can confirm that the capitation and continuing care arrangements are being combined into a single unified NHS capitation arrangement, resulting in all references to continuing care arrangements being removed from the regulations.

For payment purposes the age ranges in the existing system are being retained in the new capitation arrangement. Full details are contained within Section X – Additional Payments, Determination I, with an overview also provided in the PCA.

The new capitation arrangement means that all care and treatment items, where appropriate, will be available for both child and adult patients and there will no longer be separate items for children. An overview of the changes to the terms of service in relation to the capitation arrangement follows later in this letter.

The removal of occasional treatment references

The new payment reform system will not restrict the treatment items available to non-registered patients, meaning that there will be no longer be any distinction owing to registration status. All patients, regardless of registration status, will be able to receive the same range of care and treatment. References to occasional treatment are therefore being removed from the existing regulations.

We have also taken the opportunity to update and modify the 2010 Regulations in certain circumstances, to reflect best practice and modern approaches, and these changes are summarised below.

Revised Terms of Service for the new capitation arrangement

The 2010 Regulations refer to a requirement to 'secure and maintain' the oral health of the patient. I appreciate that this obligation can be difficult to achieve given that a patient is also required to take responsibility for their oral health (e.g. through lifestyle choices etc.) which can often be limited. Therefore the capitation arrangement has been updated to instead refer to the management of the oral health of the patient. The provision of education and advice in connection with the patient's oral health and care programmes, and relevant health promotion advice continues. This reflects more realistic aims of managing oral health, as appropriate to the patient.

The terms of the new capitation arrangement have been modernised to reflect the present realities of dentistry. The arrangement has been described as providing treatment, as discussed with the patient, over a clinically appropriate timescale. Discussion with the patient is important as many patients will not necessarily want all the proposed treatment.

The removal of the provision that prevents NHS and private treatment on the same tooth.

Whilst the removal of the provision that prevents NHS and private treatment to be provided on the same tooth is not a change relating to payment reform, we have taken the opportunity to make this change as I understand the provision can often be burdensome. I hope you will experience the benefit of the removal of this provision which will provide greater clinical freedom for you to provide NHS treatment, and removes unnecessary restrictions on patient choice.

Other regulations amended by the change

Consequential amendments are also required to the following regulations:

- 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.

A copy of the Miscellaneous Amendment Regulations can be found here - [The National Health Service \(General Dental Services\) \(Miscellaneous Amendment\) \(Scotland\) Regulations 2023 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2023/1000/contents/matter). Whilst this letter is intended to provide helpful information by way of an overview of the legislative changes coming into force on 1 November 2023, it is incumbent upon me to reiterate that you should familiarise yourself with the full terms of the Amendment Regulations.

I hope this advanced notice of the legislative changes are helpful to you as we move towards our implementation date.

Kind regards,



Tom Ferris
Chief Dental Officer