EXPLANATORY MEMORANDUM TO THE

The National Health Service (Dental Charges, General Dental Services Contracts and Personal Dental Services Agreements) Amendment Regulations 2007
2007 No. 544

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

2. Description

2.1. The National Health Service (Dental Charges, General Dental Services Contracts and Personal Dental Services Agreements) Amendment Regulations 2007 ("the Amendment Regulations 2007") amend the National Health Service (Dental Charges) Regulations 2005 ("the Dental Charges Regulations") (S.I. 2005/3477), the National Health Service (General Dental Services Contracts) Regulations 2005 ("the GDS Regulations") (S.I. 2005/3361) and the National Health Service (Personal Dental Services Agreements) Regulations 2005 ("the PDS Regulations") (S.I 2005/3373).

2.2. The Dental Charges Regulations provide for a charge to be made and recovered from a patient who is not exempt for the provision of dental treatment, including urgent treatment and orthodontic treatment, and the supply of dental appliances by a provider of primary dental services.

2.3. The GDS Regulations and PDS Regulations provide for two types of local contract: general dental services (GDS) contracts and personal dental services (PDS) agreements. Under a GDS Contract, the contractor is required to provide a wide range of dental services. PDS agreements provide for greater flexibility in the services to be provided. Additionally, a wider range of potential providers are permitted to hold contracts including healthcare professionals other than dentists. PDS agreements are, for example, used for commissioning specialised services such as orthodontics.

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

None

4. Legislative Background

4.1. Regulation 3 amends the Dental Charges Regulations. Regulation 3(1) of these Regulations amends regulation 4 of the Dental Charges Regulations (calculation of charges) by increasing by an average 2.7% the applicable charge payable for a course of treatment, if none of the exemptions from charging apply.

4.2. Regulation 3(2) amends the reference to "bridges in other materials" in the list of appliances for which a Band 3 charge may be made and recovered in Schedule 3 in

the Dental Charges Regulations to clarify that only non-metallic materials may be used.

4.3. Regulations 4 and 5 respectively amend the GDS Regulations and PDS Regulations by adding in Schedule 2 of those Regulations a further dental activity to be provided under the contract in respect of conservation treatment of deciduous teeth in patients who are aged under 18 years at the beginning of a course of treatment and that treatment attracts 3.0 units of dental activity. Because these treatments are appropriate only to persons under 18 years of age and therefore not subject to a charge there is no mention in charging bands listed in Schedules 1 to 4 to the Dental Charges Regulations.

5. Extent

This instrument applies to England only.

6. European Convention on Human Rights

As the instrument is subject to negative resolution, no statement is required.

7. Policy background

7.1 From 1 April 2006 GDS contracts and PDS agreements were implemented for high street dentists to provide primary dental services. The new contractual arrangements established remuneration based on an annual payment no longer directly related to the dentists activity. This has enabled dentists to spend more time with their patients and adopt a more preventive approach to oral healthcare.

7.2 Alongside the new contracting arrangements the Dental Charges Regulations introduced a new system of charging for dental services based mainly on a 3 banded system, where treatment provided or appliances supplied attracts one of the 3 set charges depending on the complexity of the treatment provided.

7.3 Regulation 3(1) of the Amendment Regulations amends regulation 4 of the Dental Charges Regulations (calculation of charges) increasing each band charge by an average of 2.7%, in line with inflation, the applicable charge payable for a course of treatment for a charge-paying patient.

7.4 Dental charges will rise by an average 2.7% to £15.90 for a band 1 course of treatment, £43.60 for a band 2 course of treatment, and £194 for a band 3 course of treatment.

7.5 The British Dental Association was consulted on the draft Instrument in relation to Regulation 3(2), 4 and 5 amendments which are consistent with their policies and current best practice. Regulations 4 and 5 make amendments to GDS Regulations and PDS Regulations which have been the subject of earlier discussions with the BDA. BDA recognise the need for clarification.

7.6 The principal regulations (Dental Charges Regulations, GDS Regulations and PDS Regulations) were made in December 2005 and may be subject to further amendment in the light of experience with the operation of these new powers. There are therefore

no plans to consolidate the principal regulations.

8. Impact

8.1. The dental charge increases made by the Amendment Regulations are in line with inflation and do not therefore require a Regulatory Impact Assessment.

8.2. Amendment Regulations 3(2), 4 and 5 clarify existing policy and current best practice and impose no new burden on the private or voluntary sector.

9. Contact

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