# POLICY NOTE

# THE NATIONAL HEALTH SERVICE (GENERAL DENTAL SERVICES) (SCOTLAND) AMENDMENT REGULATIONS 2025

## SSI 2025/380

The above instrument was made in exercise of the powers conferred by sections 25(1), (2) and (2A), and 105(7)(a) of the National Health Service (Scotland) Act 1978. The instrument is subject to negative procedure.

## Summary Box


The purpose of this instrument is to amend the National Health Service (General Dental Services) (Scotland) 2010 Regulations in relation to two distinct aspects to make changes to:

- One of the bases on which prior approval of dental treatment is required to ensure that clinical considerations are prioritised in the prior approval system for general dentistry; and
- the requirements around mandatory training for dentists who wish to provide NHS dental services in Scotland to enable dentists to list provisionally for a period of up to six months.


## Policy Objectives

From 1 November 2023, the Scottish Government introduced significant reforms to the NHS dental payment system, moving to a high-trust, low bureaucracy model, which focuses on modernised service provision through clinical discretion and patient-centred care based on need. Within this we made substantial improvements to the fee structure, designed to incentivise dentists to provide more NHS care, and in turn improve patient access to services. Payment reform was intended as a first step in ensuring sustainability of NHS dental services, therefore further changes to the current system and processes are required.

Prior Approval

Prior approval by the Scottish Dental Practice Board (SDPB) is a method of reviewing dentists' treatment plans, as part of the clinical governance of NHS dentistry. Currently, the system includes a requirement on dentists to submit for prior approval any course of treatment where the cost will exceed £660. Following the introduction of dental payment reform, there has been an increased volume of low clinical risk treatment plans being submitted for prior approval as they exceed the financial limit, creating a higher workload for NSS clinical advisers who process the claims on behalf of the SDPB. It also makes it more laborious for dentists to undertake treatment plans and can result in delays to necessary treatment for patients due to a financial limit rather than for any clinical considerations.

Therefore, this instrument will make changes to one of the Schedule 4 bases on which prior approval of treatment is required to ensure that clinical considerations are prioritised in the approval system for dental treatment. It will enable prior approval to be required for courses of treatment which contain those treatments, or combinations of treatment, which are considered to be higher clinical risk. It will also allow the detail of the new system to be set out in the Statement of Dental Remuneration (SDR), ensuring that the treatments which require prior approval can be updated in line with the latest clinical considerations.

It is intended that this change will reduce the onerous nature of the system, by removing the need to submit for prior approval for low risk treatments whilst still ensuring that there is appropriate governance for higher risk treatment plans, which may encourage more dentists to engage with NHS dental services. It will also reduce potential delays to treatment for patients with low clinical risk treatment plans that are being caught by the financial limit. Additionally, it will help to align the prior approval system with the high-trust low bureaucracy ethos of the new payment system.

Minor changes have also been made to regulation 27 and paragraph 28 of schedule 1, to remove references to sizes of radiographs, to bring it in line with radiographic descriptions in the SDR. In paragraph 28 of Schedule 1 exceptions to requirements for prior approval for people who will be abroad for a certain period of time will also be removed, as this does not align with a clinically focused prior approval system.

Mandatory Training

At present dentists who wish to provide NHS dental services in Scotland for the first time, or after a break of 12 months or more (subject to some exceptions), have to complete a course of mandatory training and undertake a test of knowledge before they can join a dental list. Mandatory training courses are run four times per year which can mean a dentist may have to wait for several months before they can undertake the training. This can act as a deterrent to dentists choosing to provide NHS care in Scotland.

This instrument will make changes to the requirement for certain dentists to have completed mandatory training prior to applying to join a dental list, to enable dentists to join a dental list on a provisional basis for a period of six months whilst they wait to undertake mandatory training. It is intended that this will support practices to recruit dentists, ultimately helping to mitigate the challenging access issues that exist in a number of areas across Scotland, whilst work continues on longer terms measures to improve the dental workforce.

**UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility**

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, the Scottish Ministers certify that, in their view, the National Health Service (General Dental Services) (Scotland) Amendment Regulations 2025 are compatible with the UNCRC requirements as defined by section 1(2) of the Act.

**EU Alignment Consideration**

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

## Consultation

The British Dental Association (BDA) Scotland have been consulted during the preparation of the policy that supports this instrument. Scottish Ministers regard BDA Scotland as the representative body for dentists in Scotland.

## Impact Assessments

An Equality Impact Assessment and a Child Rights and Wellbeing Impact Assessment have been completed for this instrument and are attached. These have not identified any negative impacts and there are possible minimal positive impacts in terms of prior approval for those patients whose low-risk treatment plans are currently caught by the financial limit.

## Financial Effects

A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. The impact of this policy on business will have no adverse effects.

Scottish Government
Primary Care Directorate

18 November 2025