EXECUTIVE NOTE

THE NATIONAL HEALTH SERVICE (VOCATIONAL TRAINING FOR GENERAL DENTAL PRACTICE) (SCOTLAND) AMENDMENT REGULATIONS 2010 SSI 2010/229

1. The above instrument was made in exercise of the powers conferred by sections 2(5), 25(2), 105(7) and 108(1) of the National Health Service (Scotland) Act 1978 ("the 1978 Act"). The instrument is subject to negative resolution procedure.

Background

2. Under the National Health Service (General Dental Services) (Scotland) Regulations 1996 (S.I. 1996/177), all dentists wishing to provide general dental services were required to join Health Board lists. Those who wished to provide the full range of general dental services needed to have a vocational training number (VT number) to be listed. In order to obtain a VT number a dentist requires to have satisfactorily completed one year's vocational training in general dental practice as provided for in the National Health Service (Vocational Training for General Dental Practice) (Scotland) Regulations 2004(S.S.I 2004/292) ("the 2004 Regulations") or to have experience which is accepted by NHS Education for Scotland (NES) – the body which administers vocational training in Scotland - as equivalent to vocational training. Formerly, such dentists were named on Part A of the dental lists held by Health Boards. The National Health Service (General Dental Services) (Scotland) Regulations 2010 (S.S.I. 2010/208) ("the 2010 Regulations") now provide that they be named on sub-part A of the first part of dental lists.

3. Dentists formerly on Part B of dental lists must now be named on sub-part B of the first part of dental lists. Dentists on sub-part B of dental lists provide a more restricted range of general dental services - emergency dental services (EDS) – and provide these under Health Board arrangements - from premises owned or rented by Health Boards and supported by Health Board-employed staff and equipment – rather than in general dental practice. These dentists do not therefore need to have satisfactorily completed vocational training or equivalence. The fact that a vocational training number is not required widens the pool of dentists available to provide emergency treatment. Those dentists working in hospitals, for example, may provide EDS.

4. For the first time, under the 2010 Regulations, assistant dentists will also be required to join dental lists. They will be named on the second part of dental lists. These dentists do not require to have a VT number or equivalent experience either since they only assist with general dental service provision.

5. This instrument now provides the means for NES to exempt a Dentist from the requirement to complete 1 years vocational training, provided such a Dentist is on the General Dental Council specialist list for orthodontics, and is able to demonstrate to NES's satisfaction appropriate orthodontic experience or training.

6. NES is empowered to consider and adjudicate all applications for VT numbers in Scotland, and has established the Dental Vocational Training Secretariat to administer this process. For those who appeal against unsuccessful application, there is a statutory appeals process available via the Dental Vocational Training Appeals Body. Presently, the criteria

specified in the 2004 Regulations do not permit a Dentist to apply to NES for a VT number in Scotland in a particular specialism like orthodontics without completing the normal GDS vocational training requirements which are a prerequisite for gaining entry onto a local health board dental list within Scotland.

Policy Objectives

7. This instrument makes amendments to the National Health Service (Vocational Training for General Dental Practice) (Scotland) Regulations 2004 which are consequential on the revocation of the National Health Services (General Dental Services) (Scotland) Regulations 1996 and their replacement by the National Health Services (General Dental Services) (Scotland) Regulations 2010. References to the 1996 Regulations are replaced by references to the 2010 Regulations and references to dental lists are updated.

8. Following a Ministerial commitment to review the criteria which applies to those seeking to specialise only in orthodontic treatments, this instrument also makes amendments to the criteria which will permit NES to issue a VT (Orthodontic) number to a Dentist, subject to specific criteria. The Scottish Government is committed to improving access to dental care in Scotland, by meeting patient need and improving choice. In considering the merits of flexibility for those seeking to specialise only in orthodontic treatments under GDS in Scotland, careful consideration has been given to preserving good, safe and competent practice for patients. On balance, the Scottish Government is satisfied such flexibility is consistent with its strategic objectives for improving and modernising dental care provision, and would be appropriately and effectively managed by NES. The Scottish Government will, through its annual accountability review process with NES, monitor this new arrangement.

9. The Instrument makes 2 minor consequential amendments to the National Health Service (General Dental Services) (Scotland) Regulations 2010 and also updates the statutory references to "community dental services" in England and Wales.

Consultation

10. Copies of the draft Regulations were sent to NES, to the Scottish Dental Practice Board, and to the BDA.

Financial Effects

11. The Instrument should result in no additional expenditure for the Scottish Government or Health Boards.

SCOTTISH GOVERNMENT HEALTH DIRECTORATES
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