POLICY NOTE

THE SCOTTISH DENTAL PRACTICE BOARD AMENDMENT REGULATIONS 2019

SSI 2019/346

The above instrument was made in exercise of powers conferred by sections 4(1) and (2), of the National Health Service (Scotland) Act 1978. This instrument is subject to negative resolution procedure.

These Regulations amend the Scottish Dental Practice Board Regulations 1997. The purpose of the instrument is to change the constitution of the Scottish Dental Practice Board (SDPB).

Policy Objective

This instrument makes changes to the current membership requirements of the SDPB.

Current Arrangements

The SDPB is made up of a chair, who is required to be a dentist, and seven other members, four of whom are dentists, and the remaining lay members. The SDPB normally meets six times per year, and has no staff.

There is a long-standing arrangement that the SDPB is supported in carrying out these functions by NHS National Services (NSS) which has the necessary expertise, capacity (i.e. staff resource) and appropriate corporate governance structure to effectively fulfil these functions.

Consultation Process for Oral Health Improvement Plan

During the consultation process for the Oral Health Improvement Plan (OHIP), it became increasing evident that dental professionals were unable to distinguish between the SDPB and NSS for the purpose of making payments and prior approval requests. The Scottish Government has therefore taken the opportunity to include in the OHIP an action "to consider how the functions of the SDPB can be subsumed within NSS".

Changes to the Constitution of the Board

Having considered the above, our policy objective is to abolish the SDPB. This requires an amendment to primary legislation at such time as a suitable legislative vehicle becomes available. In the meantime, we have changed the constitution of the Board to require any Chair to be either the Chief Dental Officer or Deputy Chief Dental Officer, to reflect the arrangements that the SDPB will operate under until its abolition.

We have also made amendments that ensure that where the Chair is unable to act, that the Deputy Chair is either the Chief Dental Officer or Deputy Chief Dental Officer (whomever is not currently the Chair).

We have also removed the prescribed number of members, although the majority of members will continue to be dentists. Again, this change has been made to reflect the arrangement going forward.

We have also removed the requirement to consult with such organisations recognised as representative of dentists when appointing a dental member to the SDPB. Consultation is not required as appointments to the SDPB follow the principles of the Public Appointments process.

The requirement to submit an annual report to Scottish Ministers has been removed as a range of information on general dental service provision is already published by Information Services Division of NSS.

Finally, we have taken the opportunity to make some consequential changes to the drafting in amended provisions to reflect modern drafting style and practice.

Consultation

The British Dental Association (Scotland) have been consulted on the arrangements under which the SDPB will continue until its abolition.

Impact Assessment

The Minister for Health, Sport and Wellbeing confirms that no Equality Impact Assessment is required as this instrument has no effect on patients.

Financial Effects

The Minister for Health, Sport and Wellbeing confirms that no Business Regulatory Impact Assessment is necessary as this instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Directorate of Population Health
CDO & Dentistry Division
October 2019