

Explanatory Memorandum to accompany the National Health Service (Dental Charges) (Wales) (Amendment) Regulations 2019

This Explanatory Memorandum has been prepared by the Primary Care Division of the Directorate of Primary Care and Innovation and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the National Health Service (Dental Charges) (Wales) (Amendment) Regulations 2019. I am satisfied that the benefits outweigh any costs.

Vaughan Gething
Minister for Health and Social Services
6 March 2019

1. Description

These regulations amend the National Health Service (Dental Charges) (Wales) Regulations 2006.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

None.

3. Legislative background

The regulations will be made pursuant to powers under sections 125, 203 (9) and (10) of the National Health Service (Wales) Act 2006.

Sections 125 and 126 of the National Health Service (Wales) Act 2006 provide that the Welsh Ministers may make regulations to provide for the making and recovery of charges for relevant dental services. The National Health Service (Dental Charges) (Wales) Regulations 2006 provide for the making and recovery of charges for dental treatment and the supply of dental services.

This instrument will be subject to the negative resolution procedure.

4. Purpose & intended effect of the legislation

Prior to 2006, dental fees in Wales were increased each year in line with the Doctors' and Dentists' Review Body (DDRB) uplift to fees subject to a maximum patient charge of £354.00. Under the current system patient charges are reviewed annually and set independently of any recommendation made by the DDRB on increasing dentists' contract values.

From April 2006 until 2012 the decision was taken each year not to increase the level of patient charges in Wales which remained unchanged at: Band 1, £12.00; Band 2, £39.00; Band 3, £177.00; and an Urgent course of treatment £12.00. Charges have risen each year since 2012 with the exception of 2016.

The current levels are as follows:

Band 1 – Diagnosis, treatment planning and maintenance	£ 14.00
Band 2 – Treatment	£ 45.00
Band 3 – Provision of appliances	£195.00
Urgent treatment	£ 14.00

The purpose of these regulations is to facilitate the increase to the applicable charge payable for a Band 1, Band 2 and a Band 3 course of treatment for 2019-20. The Statutory Instrument concerns the principle of uprating statutory fees and not the introduction of a new, or change in current policy.

Regulation 2 of the National Health Service (Dental Charges) (Wales) (Amendment) Regulations 2019 increases the current dental charge for

Bands 1, 2 and 3 by 2.1%. After rounding to the nearest 10 pence this adds 30 pence to a Band 1 course of treatment (increasing the charge from £14.00 to £14.30 – a 2.1% rise) £1.00 to a Band 2 course of treatment (taking the charge from £45.00 to £46.00 – a 2.2% rise) and £4.10 to a Band 3 course of treatment (increasing the charge rate from £195.00 to £199.10 – a 2.1% rise). This produces an overall increase of 2.1% which will help to maintain the contribution dental charges make to the funding of NHS dentistry.

Patient charges in Wales are significantly lower than in England. The UK Department of Health has not indicated whether patient charges will increase in England from April 2019. Charges in England have increased every year since 2006, with the exception of 2010, and by 5% in each of the last 3 years.

Dental Patient Charges (example of care/treatment)	Wales 2018-19	England 2018-19	Difference £ / % higher
Band 1 (examination, x-rays, scale & polish)	£14.00	£21.60	£7.60 / 54%
Band 2 (fillings, extractions, root canal treatment)	£45.00	£59.10	£14.10 / 31%
Band 3 (crowns, dentures & bridges)	£195.00	£256.50	£61.50 / 32%
Urgent (urgent and out of hours)	£14.00	£21.60	£7.60 / 54%

The Welsh Government has balanced the need to protect NHS funding and the impact of charges on personal incomes and has been able to limit the increase to 2.1% overall, which is consistent with the observed levels of inflation - Consumer Price Index 2.1%, Retail Price Index 2.7% (December 2018 prices).

5. Consultation

Health boards are responsible for the provision of dental services to meet local needs and the wider oral health agenda. This gives health boards the ability to develop services to reflect local requirements and priorities. This must be achieved through a finite general dental budget.

A full consultation exercise has not been undertaken. The primary care dental budget allocations to health boards are net of patient charges. When patient charges are increased this will generate more charge income for health boards giving the opportunity to reinvest the additional income in improving dental services. It is not considered practicable to undergo this process each year by way of a wider public consultation.

Dental charges represent an important contribution to the overall cost of dental services. The amount raised will be dependent upon the level and type of primary care dental services provided by health boards, the proportion of fee paying patients who access NHS dental services and the complexity of the treatment they receive.

Patient charges are kept under annual review with consideration given to the provision of services, affordability and a number of factors including the Retail and Consumer Price Index, the Rate of Inflation and the total level of charge income likely to be raised. Account is also taken of the impact on charge payers, the views of health boards and the British Dental Association (BDA) (Wales).

We have notified the proposed increases in charges to the dental profession represented by BDA (Wales) and the Welsh General Dental Practitioner Committee.

The decision to increase the Band 1 and Urgent charges from £14.00 to £14.30, increase the Band 2 charge from £45.00 to £46.00 and the Band 3 charge from £195.00 to £199.10 from 1 April 2019 was made after considering and balancing the above factors.