

WG No. 21 - 21

**THE NATIONAL HEALTH
SERVICE (WALES) ACT 2006**

The Directions to Local Health
Boards as to the General Dental
Services Statement of Financial
Entitlements (Amendment)
Directions 2021

Made 3 March 2021

Coming into force 4 March 2021

The Welsh Ministers, in exercise of the powers conferred on them by sections 60, 203(9) and (10) and 204(1) of the National Health Service (Wales) Act 2006⁽¹⁾, after consulting in accordance with section 60(4) of that Act both with the bodies appearing to them to be representative of the persons to whom remuneration these Directions relate and with such other persons as they consider to be appropriate, give the following Directions.

Title, application and commencement

1.—(1) The title of these Directions is the Directions to Local Health Boards as to the General Dental Services Statement of Financial Entitlements (Amendment) Directions 2021.

(2) These Directions are given to Local Health Boards.

(3) These Directions come into force on 4 March 2021 but have effect from 1 April 2020.

**Amendment to the General Dental Services
Statement of Financial Entitlements**

2. The Directions to Local Health Boards as to the General Dental Services Statement of Financial

(1) 2006 c. 42.

Entitlements 2009(1), which came into force on 24 April 2009, are amended as follows.

Amendment to Part 1 – Annual Contract Values

3. In section 2 (Negotiated Annual Contract Values) after paragraph 2.9 insert—

“Temporary Adjustment of the NACV where the COVID-19 package applies

2.10. In response to the COVID-19 pandemic, the Chief Dental Officer for Wales has set out an alternative payment and activity management framework(2) for the 2020/2021 Financial year 2020/2021 (the “COVID-19 Package”). Where a contractor has agreed with the LHB that the COVID-19 Package is to apply to its GDS contract for the 2020/2021 Financial year, that contractor’s NACV is to be treated as being reduced—

- (a) for the Quarter ending with 30 June 2020, by 20%;
- (b) for the Quarters ending with 30 September 2020 and 31 December 2020, by—
 - (i) 10%, or
 - (ii) such higher or lower percentage as is agreed in writing between the contractor and LHB in accordance with the COVID-19 Package; and
- (c) for the Quarter ending with 31 March 2021, by—
 - (i) 10% where the contractor is—
 - (aa) undertaking Aerosol Generating Procedures (“AGP”) and complying with the “Additional Procedures for Patients requiring AGP” and “AGP treatment protocols” within the Standard Operating Procedure for the Dental Management of Non-

(1) 2009 No. 18, as amended by 2010 No. 22, 2011 No. 33, 2012 No. 27, 2013 No. 11, 2014 No. 27, 2015 No. 23, 2016 No. 26, 2016 No. 31, 2017 No. 19, 2018 No. 73 and 2019 No. 42.

(2) See the letters from the Chief Dental Officer dated 26 March 2020, 22 May 2020, 19 June 2020, 25 September 2020, 17 December 2020 and the related COVID-19 De-escalation Pandemic Plan for Dentistry - Amber Phase.

COVID-19 Patients in Wales⁽¹⁾; and

(bb) complying in all material respects with the requirements in the COVID-19 Package and the contractor's obligations under its GDS contract (other than the obligations included in its GDS contract by virtue of regulation 17(1) and/or 18(1) of the GDS Contracts Regulations);

(ii) 30% where the contractor is not complying with sub-paragraph (c)(i)(aa) but is complying with sub-paragraph (c)(i)(bb);

(iii) such percentage above 30% as the LHB considers reasonable, where the contractor is not complying with sub-paragraph (c)(i)(bb) irrespective of whether the contractor is complying with sub-paragraph (c)(i)(aa); or

(iv) such higher or lower percentage as is agreed in writing between the contractor and LHB in accordance with the COVID-19 Package.

2.11. Any reductions to the contractor's NACV in accordance with paragraph 2.10 is without prejudice to any other remedies the LHB may have under the GDS contract or any other deductions that may be made pursuant to this SFE including, but not limited to, those in paragraphs 3.8 to 3.17.”.

4. In section 3 (Payment of Monthly Annual Contract Value Payments)—

(a) in paragraph 3.1 omit “, or for GDS contracts already in place prior to this SFE coming into effect, a CACV or NACV determined in accordance with the SFE that was operative at the time that the contract value was negotiated between the parties to the contract.”, and

(b) after paragraph 3.19(a) insert—

“(aa) during the Quarters ending with 30 June 2020, 30 September 2020, 31 December 2020 and 31

(1) https://gov.wales/sites/default/files/publications/2021-01/standard-operating-procedure-for-the-dental-management-of-non-covid-19-patients-in-wales_0.pdf

March 2021, the contractor must comply with—

(i) the conditions specified in the COVID-19 Package (as that package applied for the relevant Quarter) which correspond to the level of reduction applied to the contractor's NACV under paragraph 2.10, and

(ii) any other conditions it has agreed in writing with the LHB;”.

Amendment to Part 3 – Supplementary Provisions

5. In section 12 (Glossary of Terms) in paragraph 12.3 in the appropriate place insert—

““Quarter” means each 3 month period ending with March 31, June 30, September 30 and December 31.”.

Signed by Alex Slade, Deputy Director, Primary Care Division under the authority of the Minister for Health and Social Services, one of the Welsh Ministers

A handwritten signature in black ink, appearing to read 'A Slade', with a stylized initial 'A'.

Date: 3 March 2021