

WG22-16

THE NATIONAL HEALTH SERVICE (WALES) ACT 2006

The Directions to Local Health Boards as to the Personal Dental Services Statement of Financial Entitlements (Amendment) Directions 2022

Made

06 April 2022

Coming into force

07 April 2022

The Welsh Ministers, in exercise of the powers conferred on them by sections 66(4) and (5), 203(9) and (10) and 204(1) of the National Health Service (Wales) Act 2006⁽¹⁾, give the following Directions.

Title and commencement

1.—(1) The title of these Directions is the Directions to Local Health Boards as to the Personal Dental Services Statement of Financial Entitlements (Amendment) Directions 2022.

(2) These Directions come into force on 07 April 2022 but have effect from 1 April 2022.

Amendments to the Personal Dental Services Statement of Financial Entitlements

2. The Directions to Local Health Boards as to the Personal Dental Services Statement of Financial Entitlements 2009⁽²⁾, which came into force on 24 April 2009, are amended as follows.

Amendment to Part 1 – Annual Agreement Values

3. In section 2 (Negotiated Annual Agreement Values) for paragraph 2.6 substitute—

“**2.6.** The contractor and the RB must agree to nominate a particular payment or aggregate of payments to be the Negotiated Annual Agreement Value (NAAV) for the PDS agreement for the financial year in which the PDS agreement first takes effect for payment purposes.”.

4. In Section 3 (Payment of Monthly Annual Agreement Value Payments) after paragraph 3.18 insert—

“**3.18A.** Where the net value of any Monthly AAVP for the contractor would be a negative number, but the contractor is entitled to receive other sums under its PDS agreement, the RB shall be entitled to deduct the net value of the Monthly AAVP

(1) 2006 c.42.

(2) 2009 No. 17, as amended by 2010 No. 21, 2011 No. 34, 2012 No. 26, 2013 No. 10, 2014 No. 28, 2015 No. 24, 2016 No. 27, 2016 No. 32, 2017 No. 20, 2018 No. 72, 2019 No. 43, WG21-22 and WG21-89

(converted into a positive number for the purposes of these deductions) from those other sums payable to the contractor and the negative value of that Monthly ACVP shall be increased by the value of such deductions until it reaches zero.”.

Amendment to Part 2 – Payments for specific purposes

5. In Section 5 (Domiciliary services and sedation services) for paragraph 5.10 substitute—

“**5.10.** The NHS charges in respect of the courses of treatment involving sedations or domiciliary visits should, where possible, be deducted from the contractor’s Monthly AAVPs. No deduction will therefore need be made in respect of those from the Monthly ADSSPs unless the net value of the Monthly AAVPs (after any other deductions) is insufficient to bear those deductions. Any employee’s superannuation contributions attributable to the Monthly ADSSPs will also, where possible, be deducted from the Monthly AAVPs rather than the ADSSPs. In both cases, where deductions from the Monthly AAVPs are not possible, the deductions may be made from either the ADSSPs or other sums payable to the contractor under the PDS agreement. This distinction will generally only have accounting rather than practical implications.”.

6. After Section 10 (reimbursement of non-domestic rates) insert—

“10A. New metrics that may apply for the 2022/23 financial year and conditions attached to any payments related to those new metrics

10A.1. In relation to the 2022/23 financial year a contractor and RB may have agreed a variation to the contractor’s PDS agreement under which the NAAV for that PDS agreement is reduced and the contractor may receive other payments depending on the contractor’s performance against metrics for application of fluoride varnish, providing treatment to new patients and existing patients, and the contractor’s approach to recalling patients. Where the contractor and RB have agreed such a variation, those payments, or any part of such payments, are only payable if the contractor satisfies the following conditions—

- (a) the contractor must make available any information which the RB does not have but needs (including the returns required by virtue of paragraph 39 of Schedule 3 to the PDS Agreements Regulations), and which the contractor either has or could reasonably be expected to obtain, in order to calculate the contractor’s entitlement to those payments;
- (b) the contractor must make available to the RB a reasonable estimate of the net monthly Pensionable Earnings (i.e. net of any Pensionable Earnings that are attributable to any Monthly Seniority Payment) of each Dentist Performer who the contractor employs or engages, and the contractor must notify the RB of any appropriate changes to that estimate; and
- (c) all information supplied pursuant to or in accordance with this paragraph must be accurate.

10A.2. If the contractor breaches the conditions set out in paragraph 10A.1 the RB may, in appropriate circumstances, withhold payment of all, or any part, of the payments that would otherwise be payable.”.

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



Date: 06 April 2022