
SUBORDINATE
LEGISLATION

WG No. 21 - 22

**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 2021

Made 3 March 2021

Coming into force 4 March 2021

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, application 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 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 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.

(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 and 2019 No. 43.

Amendment to Part 1 – Annual Agreement Values

3. In section 2 (Negotiated Annual Agreement Values) after paragraph 2.11 insert—

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

2.12. In response to the COVID-19 pandemic, the Chief Dental Officer for Wales has set out an alternative payment and activity management framework⁽¹⁾ for the 2020/2021 Financial year 2020/2021 (the “COVID-19 Package”). Where a contractor has agreed with the RB that the COVID-19 Package is to apply to its PDS agreement for the 2020/2021 Financial year, that contractor’s NAAV 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 RB 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-COVID-19 Patients in Wales⁽²⁾; and
 - (bb) complying in all material respects with the requirements in the COVID-19 Package and the contractor’s obligations

(1) 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.

(2) 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

under its PDS agreement (other than the obligations included in its PDS agreement by virtue of regulation 13(1) and/or 14(1) of the PDS Agreements 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 RB 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 RB in accordance with the COVID-19 Package.

2.13. Any reductions to the contractor's NAAV in accordance with paragraph 2.12 is without prejudice to any other remedies the RB may have under the PDS agreement 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 Agreement Value Payments)—

- (a) in paragraph 3.1—
 - (i) for “Section 3” substitute “Section 2”; and
 - (ii) omit “, or for PDS agreements already in place prior to this SFE coming into effect, a CAAV or NAAV determined in accordance with the SFE that was operative at the first time that the contract value was negotiated between the parties to the agreement.”, 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 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 NAAV under paragraph 2.12, and

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

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