

**WG22-17**

**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 2022**

*Made*

*06 April 2022*

*Coming into force*

*07 April 2022*

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<sup>(1)</sup>, 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 under these Directions relate and with such other persons as they consider to be appropriate, give the following Directions.

**Title 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 2022.

(2) These Directions come into force on 7 April 2022 but have effect from 1 April 2022.

**Amendments 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 Entitlements 2009<sup>(2)</sup>, which came into force on 24 April 2009, are amended as follows.

**Amendment to Part 2 – Payments for specific purposes**

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

“**3.18A.** Where the net value of any Monthly ACVP for the contractor would be a negative number, but the contractor is entitled to receive other sums under its GDS contract, the LHB shall be entitled to deduct the net value of the Monthly ACVP (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.”.

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(1) 2006 c.42.

(2) 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, 2019 No. 42, WG21-21 and WG21-88.

## **Amendment to Part 2 – Payments for specific purposes**

4. 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 ACVPs. No deduction will therefore need be made in respect of those from the Monthly ADSSPs unless the net value of the Monthly ACVPs (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 ACVPs rather than the ADSSPs. In both cases, where deductions from the Monthly ACVPs are not possible, the deductions may be made from either the ADSSPs or other sums payable to the contractor under the GDS contract. This distinction will generally only have accounting rather than practical implications.”.

5. 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 LHB may have agreed a variation to the contractor’s GDS contract under which the NACV for that GDS contract 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 LHB 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 LHB does not have but needs (including the returns required by virtue of paragraph 38 of Schedule 3 to the GDS Contracts 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 LHB 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 LHB 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 LHB 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**