
DIRECTIONS

NATIONAL HEALTH SERVICE, ENGLAND

The Primary Dental Services Statements of Financial Entitlements (Coronavirus) (Amendment) Directions 2021

The Secretary of State for Health and Social Care, having consulted in accordance with section 103(4) of the National Health Service Act 2006(a) with the body appearing to the Secretary of State to be representative of persons to whose remuneration these Directions relate, gives the following Directions in exercise of the powers conferred by sections 103(1) and (3), 109(4), 272(7) and (8) and 273(1) of the Act (b).

PART 1

Introductory

Citation and commencement

1.—(1) These Directions may be cited as the Primary Dental Services Statements of Financial Entitlements (Coronavirus) (Amendment) Directions 2021.

(2) These Directions come into force on the day after the day on which they are signed.

Interpretation

2. In these Directions—

“the GDS SFE” means the General Dental Services Statement of Financial Entitlements 2013(c);

“the PDS SFE” means the Personal Dental Services Statement of Financial Entitlements 2013(d); and

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- (a) 2006 c.41. The Secretary of State must consult in accordance with section 103(4) of the National Health Service Act 2006 on directions as to payments to be made under general dental services contracts, and section 103(4) applies where such contracts have been varied to make a Prototype Agreement. Section 103 was amended by section 55(1) of, and paragraph 45 of Schedule 4 to, the Health and Social Care Act 2012 (c.7) (“the 2012 Act”).
- (b) Section 109 was amended by section 55(1) of, and paragraph 50 of Schedule 4 to, the 2012 Act. Section 273 was amended by sections 47(7) and 55(1) of, and paragraph 137 of Schedule 4 to, the 2012 Act. By virtue of section 271(1) of the National Health Service Act 2006, the powers conferred by these sections are exercisable by the Secretary of State only in relation to England
- (c) The General Dental Services Statement of Financial Entitlements 2013, signed on 28th March 2013, was amended by the Primary Dental Services Statements of Financial Entitlements (Amendment) Directions 2014, signed on 16th April 2014, the Primary Dental Services Statements of Financial Entitlements (Amendment) Directions 2015, signed on 30th July 2015, the Primary Dental Services Statements of Financial Entitlements (Amendment) Directions 2016, signed on 16th May 2016, the Primary Dental Services Statements of Financial Entitlements (Amendment) Directions 2017, signed on 9th February 2017, the Primary Dental Services Statements of Financial Entitlements (Amendment) Directions 2017, signed on 31st July 2017, the Primary Dental Services Statements of Financial Entitlements (Amendment) Directions 2018, signed on 15th November 2018, the Primary Dental Services Statements of Financial Entitlements (Amendment) Directions 2019, signed on 7th October 2019 and the Primary Dental Services Statements of Financial Entitlements (Amendment) Directions 2020, signed on 1st December 2020. All of the aforementioned documents are published on www.gov.uk. Hard copies of these documents can be obtained by writing to Dental and Eye Care Services, 4th Floor, 39 Victoria Street, London SW1H 0EU.
- (d) The Personal Dental Services Statement of Financial Entitlements 2013, signed on 28th March 2013, was amended by the Primary Dental Services Statements of Financial Entitlements (Amendment) Directions 2014, signed on 16th April 2014, the Primary Dental Services Statements of Financial Entitlements (Amendment) Directions 2015, signed on 30th July 2015, the Primary Dental Services Statements of Financial Entitlements (Amendment) Directions 2016, signed on 16th May 2016,

“the Prototype SFE” means the Prototype Agreement Scheme Statement of Financial Entitlements(a).

PART 2

Amendments to the GDS SFE

Amendment to Section 3 of the GDS SFE

3.In Section 3 of the GDS SFE (payment of monthly annual contract value payments), after paragraph 3.24 (annual reconciliation report) insert—

“Adjustments to 2021/2022 payments associated with the suspension of NHS primary dental services as part of national measures put in place to assist in the management of the coronavirus pandemic.

3.25 Subject to paragraph 3.27, adjustments must be made to a contractor’s payments for 2021/2022 in accordance with paragraph 3.26, to take account of overpayments that have been made, in respect of the period beginning with 1st April 2020 and ending with 7th June 2020 (“the period of closure”) for variable costs associated with services that could not be provided due to the closure of dental practices as part of measures put in place by the Secretary of State to assist in the management of the coronavirus pandemic.

3.26 The Board must –

- (a) calculate an amount for variable costs associated with service delivery in accordance with sub-paragraph (b), in respect of the period of closure;
- (b) determine an amount equivalent to 16.75% of the NACV that is attributable to the period of closure, which is to be calculated by—
 - (i) dividing the contractor’s NACV by 52 to produce a weekly amount of the contractor’s NACV,
 - (ii) multiplying the contractor’s weekly NACV amount determined in accordance with paragraph (i) by 9 (which is the total number of full weeks during which dental practices were closed in the period of closure) to produce the NACV attributable to the period of closure, and
 - (iii) calculating a sum equivalent to 16.75% of the amount determined in accordance with paragraph (ii); and

the Primary Dental Services Statements of Financial Entitlements (Amendment) Directions 2017, signed on 9th February 2017, the Primary Dental Services Statements of Financial Entitlements (Amendment) Directions 2017, signed on 31st July 2017, and the Primary Dental Services Statements of Financial Entitlements (Amendment) Directions 2018, signed on 15th November 2018, the Primary Dental Services Statements of Financial Entitlements (Amendment) Directions 2019, signed on 7th October 2019 and the Primary Dental Services Statements of Financial Entitlements (Amendment) Directions 2020, signed on 1st December 2020. All of the aforementioned documents are published on www.gov.uk. Hard copies of these documents can be obtained by writing to Dental and Eye Care Services, 4th Floor, 39 Victoria Street, London SW1H 0EU.

- (a) The Prototype Agreement Scheme Statement of Financial Entitlements, signed on 23rd September 2015, was amended by the Prototype Agreement Scheme Statement of Financial Entitlements (Amendment) Directions 2016, signed on 16th May 2016, the Primary Dental Services Statements of Financial Entitlements (Amendment) Directions 2017, signed on 9th February 2017, the Primary Dental Services Statements of Financial Entitlements (Amendment) Directions 2017, signed on 31st July 2017, the Primary Dental Services Statements of Financial Entitlements (Amendment) Directions 2018, signed on 15th November 2018, the Primary Dental Services Statements of Financial Entitlements (Amendment) Directions 2019, signed on 7th October 2019 and the Primary Dental Services Statements of Financial Entitlements (Amendment) Directions 2020, signed on 1st December 2020. All of the aforementioned documents are published on www.gov.uk. Hard copies of these documents can be obtained by writing to Dental and Eye Care Services, 4th Floor, 39 Victoria Street, London SW1H 0EU.

- (c) adjust the payments made to contractors by applying a deduction to the contractor's Monthly ACVPs, for the period of four months beginning with 1st April 2021 by an amount equivalent to one quarter of the sum that has been determined in accordance with sub-paragraph (b)(iii).

3.27 Paragraphs 3.25 and 3.26 do not apply to payments made to contractors that have notified the Board that they have carried out face to face treatments or face to face assessments during the period of closure in accordance with paragraph 38 of Schedule 3 to the GDS Contract Regulations.”.

Amendment to Section 12 of the GDS SFE

4. In Section 12 of the GDS SFE (glossary of terms), in paragraph 12.3 (definitions), after the definition of “Type 2 dental practitioner” insert—

““Variable costs” means laboratory costs, material costs, travel costs and office and general costs.”.

PART 3

Amendments to the PDS SFE

Amendment to Section 3 of the PDS SFE

5. In Section 3 of the PDS SFE (payment of monthly annual agreement value payments), after paragraph 3.24 (annual reconciliation report) insert—

“Adjustments to 2021/2022 payments associated with the suspension of NHS primary dental services as part of national measures put in place to assist in the management of the coronavirus pandemic.

3.25 Subject to paragraph 3.27, adjustments must be made to a contractor's payments for 2021/2022 in accordance with paragraph 3.26, to take account of overpayments that have been made, in respect of the period beginning with 1st April 2020 and ending with 7th June 2020 (“the period of closure”) for variable costs associated with services that could not be provided due to the closure of dental practices as part of measures put in place by the Secretary of State to assist in the management of the coronavirus pandemic.

3.26 The Board must –

- (a) calculate an amount for variable costs associated with service delivery in accordance with sub-paragraph (b), in respect of the period of closure;
- (b) determine an amount equivalent to 16.75% of the NAAV that is attributable to the period of closure, which is to be calculated by—
 - (i) dividing the contractor's NAAV by 52 to produce a weekly amount of the contractor's NAAV,
 - (ii) multiplying the contractor's weekly NAAV amount determined in accordance with paragraph (i) by 9 (which is the total number of full weeks during which dental practices were closed in the period of closure) to produce the NAAV attributable to the period of closure, and
 - (iii) calculating a sum equivalent to 16.75% of the amount determined in accordance with paragraph (ii); and
- (c) adjust the payments made to contractors by applying a deduction to the contractor's Monthly AAVPs, for the period of four months beginning with 1st

April 2021 by an amount equivalent to one quarter of the sum that has been determined in accordance with sub-paragraph (b)(iii).

3.27 Paragraphs 3.25 and 3.26 do not apply to payments made to contractors that—

- (a) have notified the Board that they have carried out face to face treatments or face to face assessments during the period of closure in accordance with paragraph 39 of Schedule 3 to the PDS Agreement Regulations; or
- (b) hold a PDS Agreement to provide orthodontic courses of treatment only to persons who are on a patient list agreed between the Board and the contractor who are specified in that PDS Agreement.”.

Amendment to Section 12 of the PDS SFE

6. In Section 12 of the PDS SFE (glossary of terms), in paragraph 12.3 (definitions), after the definition of “Type 2 dental practitioner” insert—

““Variable costs” means laboratory costs, material costs, travel costs and office and general costs.”.

PART 3

Amendments to the Prototype SFE

Amendment to Section 3 of the Prototype SFE

7. In Section 3 of the Prototype SFE (payment of monthly annual prototype value payments), after paragraph 3.21 (monthly payment schedule) insert—

“Adjustments to 2021/2022 payments associated with the suspension of NHS primary dental services as part of national measures put in place to assist in the management of the coronavirus pandemic.

3.22 Subject to paragraph 3.24, adjustments must be made to a contractor’s payments for 2021/2022 in accordance with paragraph 3.23, to take account of overpayments that have been made, in respect of the period beginning with 1st April 2020 ending with 7th June 2020 (“the period of closure”) for variable costs associated with services that could not be provided due to the closure of dental practices as part of measures put in place by the Secretary of State to assist in the management of the coronavirus pandemic.

3.23 The Board must –

- (a) calculate an amount for variable costs associated with service delivery in accordance with sub-paragraph (b), in respect of the period of closure;
- (b) determine an amount equivalent to 16.75% of the NAPVA that is attributable to the period of closure, which is to be calculated by—
 - (i) dividing the contractor’s NAPVA by 52 to produce a weekly amount of the contractor’s NAPVA,
 - (ii) multiplying the contractor’s weekly NAPVA amount determined in accordance with paragraph (i) by 9 (which is the total number of full weeks during which dental practices were closed in the period of closure) to produce the NAPVA attributable to the period of closure, and
 - (iii) calculating a sum equivalent to 16.75% of the amount determined in accordance with paragraph (ii); and
- (c) adjust the payments made to contractors by applying a deduction to the contractor’s Monthly APVAPs, for the period of four months beginning with 1st

April 2021 by an amount equivalent to one quarter of the sum that has been determined in accordance with sub-paragraph (b)(iii).

3.24 Paragraphs 3.22 and 3.23 do not apply to payments made to contractors that have notified the Board that they have carried out face to face treatments or face to face assessments during the period of closure in accordance with paragraph 39 of Schedule 3 to the PDS Agreement Regulations.”.

Amendment to Section 6 of the Prototype SFE

8.In Section 6 of the Prototype SFE (payment of monthly annual prototype value payments), after paragraph 6.21 (monthly payment schedule) insert—

“Adjustments to 2021/2022 payments associated with the suspension of NHS primary dental services as part of national measures put in place to assist in the management of the coronavirus pandemic.

6.22 Subject to paragraph 6.24, adjustments must be made to a contractors payments for 2021/2022 in accordance with paragraph 6.23, to take account of overpayments that have been made, in respect of the period beginning with 1st April 2020 and ending with 7th June 2020 (“the period of closure”) for variable costs associated with services that could not be provided due to the closure of dental practices as part of measures put in place by the Secretary of State to assist in the management of the coronavirus pandemic.

6.23 The Board must –

- (a) calculate an amount for variable costs associated with service delivery in accordance with sub-paragraph (b), in respect of the period of closure;
- (b) determine an amount equivalent to 16.75% of the NAPVB that is attributable to the period of closure, which is to be calculated by—
 - (i) dividing the contractor’s NAPVB by 52 to produce a weekly amount of the contractor’s NAPVB,
 - (ii) multiplying the contractor’s weekly NAPVB amount determined in accordance with paragraph (i) by 9 (which is the total number of full weeks during which dental practices were closed in the period of closure) to produce the NAPVB attributable to the period of closure, and
 - (iii) calculating a sum equivalent to 16.75% of the amount determined in accordance with paragraph (ii); and
- (c) adjust the payments made to contractors by applying a deduction to the contractor’s Monthly APVBPs, for the period of four months beginning with 1st April 2021 by an amount equivalent to one quarter of the sum that has been determined in accordance with sub-paragraph (b)(iii).

6.24 Paragraphs 6.22 and 6.23 do not apply to payments made to contractors that have notified the Board that they have carried out face to face treatments or face to face assessments during the period of closure in accordance with paragraph 39 of Schedule 3 to the PDS Agreement Regulations.”.

Amendment to Section 7B of the Prototype SFE

9.In section 7B of the Prototype SFE (payment of monthly annual prototype value payments)(a), after paragraph 7B.22 (monthly payment schedule) insert—

(a) Section 7B was inserted by the Prototype Agreement Scheme Statement of Financial Entitlements (Amendment) Directions 2016.

“Adjustments to 2021/2022 payments associated with the suspension of NHS primary dental services as part of national measures put in place to assist in the management of the coronavirus pandemic.

7B.23 Subject to paragraph 7B.25, adjustments must be made to a contractor’s payments for 2021/2022 in accordance with paragraph 7B.24, to take account of overpayments that have been made, in respect of the period beginning with 1st April 2020 and ending with 7th June 2020 (“the period of closure”) for variable costs associated with services that could not be provided due to the closure of dental practices as part of measures put in place by the Secretary of State to assist in the management of the coronavirus pandemic.

7B.24 The Board must –

- (a) calculate an amount for variable costs associated with service delivery in accordance with sub-paragraph (b), in respect of the period of closure;
- (b) determine an amount equivalent to 16.75% of the NAPVC that is attributable to the period of closure, which is to be calculated by—
 - (i) dividing the contractor’s NAPVC by 52 to produce a weekly amount of the contractor’s NAPVC,
 - (ii) multiplying the contractor’s weekly NAPVC amount determined in accordance with paragraph (i) by 9 (which is the total number of full weeks during which dental practices were closed in the period of closure) to produce the NAPVC attributable to the period of closure, and
 - (iii) calculating a sum equivalent to 16.75% of the amount determined in accordance with paragraph (ii); and
- (c) adjust the payments made to contractors by applying a deduction to the contractor’s Monthly APVCPs, for a period of four months beginning with 1st April 2021 by an amount equivalent to one quarter of the sum that has been determined in accordance with sub-paragraph (b)(iii).

7B.25 Paragraphs 7B.23 and 7B.24 do not apply to payments made to contractors that have notified the Board that they have carried out face to face treatments or face to face assessments during the period of closure in accordance with paragraph 39 of Schedule 3 to the PDS Agreement Regulations.”.

Amendment to Section 19 of the Prototype SFE

10.In Section 19 of the Prototype SFE (payment of monthly annual prototype value payments), after paragraph 19.21 (monthly payment schedule) insert—

“Adjustments to 2021/2022 payments associated with the suspension of NHS primary dental services as part of national measures put in place to assist in the management of the coronavirus pandemic.

19.22 Subject to paragraph 19.24, adjustments must be made to a contractor’s payments for 2021/2022 in accordance with paragraph 19.23, to take account of overpayments that have been made, in respect of the period beginning with 1st April 2020 and ending with 7th June 2020 (“the period of closure”) for variable costs associated with services that could not be provided due to the closure of dental practices as part of measures put in place by the Secretary of State to assist in the management of the coronavirus pandemic.

19.23 The Board must –

- (a) calculate an amount for variable costs associated with service delivery in accordance with sub-paragraphs (b) and (c), in respect of the period of closure;
- (b) determine an amount equivalent to 16.75% of the NAPVA that is attributable to the period of closure, which is to be calculated by—

- (i) dividing the contractor's NAPVA by 52 to produce a weekly amount of the contractor's NAPVA,
 - (ii) multiplying the contractor's weekly NAPVA amount determined in accordance with paragraph (i) by 9 (which is the total number of full weeks during which dental practices were closed in the period of closure) to produce the NAPVA attributable to the period of closure, and
 - (iii) calculating a sum equivalent to 16.75% of the amount determined in accordance with paragraph (ii); and
- (c) adjust the payments made to contractors by applying a deduction to the contractor's Monthly APVAPs, for the period of four months beginning with 1st April 2021 by an amount equivalent to one quarter of the sum that has been determined in accordance with sub-paragraph (b)(iii).

19.24 Paragraphs 19.22 and 19.23 do not apply to payments made to contractors that have notified the Board that they have carried out face to face treatments or face to face assessments during the period of closure in accordance with paragraph 38 of Schedule 3 to the GDS Contract Regulations.”.

Amendment to Section 22 of the Prototype SFE

11.In Section 22 of the Prototype SFE (payment of monthly annual prototype value payments), after paragraph 22.21 (monthly payment schedule) insert—

“Adjustments to 2021/2022 payments associated with the suspension of NHS primary dental services as part of national measures put in place to assist in the management of the coronavirus pandemic.

22.22 Subject to paragraph 22.24, adjustments must be made to a contractor's payments for 2021/2022 in accordance with paragraph 22.23, to take account of overpayments that have been made, in respect of the period beginning with 1st April 2020 and ending with 7th June 2020 (“the period of closure”) for variable costs associated with services that could not be provided due to the closure of dental practices as part of measures put in place by the Secretary of State to assist in the management of the coronavirus pandemic.

22.23 The Board must –

- (a) calculate an amount for variable costs associated with service delivery in accordance with sub-paragraph (b), in respect of the period of closure;
- (b) determine an amount equivalent to 16.75% of the NAPVB that is attributable to the period of closure, which is to be calculated by—
 - (i) dividing the contractor's NAPVB by 52 to produce a weekly amount of the contractor's NAPVB,
 - (ii) multiplying the contractor's weekly NAPVB amount determined in accordance with paragraph (i) by 9 (which is the total number of full weeks during which dental practices were closed in the period of closure) to produce the NAPVB attributable to the period of closure, and
 - (iii) calculating a sum equivalent to 16.75% of the amount determined in accordance with paragraph (ii); and
- (c) adjust the payments made to contractors by applying a deduction to the contractor's Monthly APVBPs, for the period of four months beginning with 1st April 2021 by an amount equivalent to one quarter of the sum that has been determined in accordance with sub-paragraph (b)(iii).

22.24 Paragraphs 22.22 and 22.23 do not apply to payments made to contractors that have notified the Board that they have carried out face to face treatments or face to face

assessments during the period of closure in accordance with paragraph 38 of Schedule 3 to the GDS Contract Regulations.”.

Amendments to Section 23B of the Prototype SFE

12.In Section 23B of the Prototype SFE (payment of monthly annual prototype value payments)(a), after paragraph 23B.22 (monthly payment schedule) insert—

“Adjustments to 2021/2022 payments associated with the suspension of NHS primary dental services as part of national measures put in place to assist in the management of the coronavirus pandemic.

23B.23 Subject to paragraph 23B.25, adjustments must be made to a contractor’s payments for 2021/2022 in accordance with paragraph 23B.24, to take account of overpayments that have been made, in respect of the period beginning with 1st April 2020 and ending with 7th June 2020 (“the period of closure”) for variable costs associated with services that could not be provided due to the closure of dental practices as part of measures put in place by the Secretary of State to assist in the management of the coronavirus pandemic.

23B.24 The Board must –

- (a) calculate an amount for variable costs associated with service delivery in accordance with sub-paragraph (b), in respect of the period of closure;
- (b) determine an amount equivalent to 16.75% of the NAPVC that is attributable to the period of closure, which is to be calculated by—
 - (i) dividing the contractor’s NAPVC by 52 to produce a weekly amount of the contractor’s NAPVC,
 - (ii) multiplying the contractor’s weekly NAPVC amount determined in accordance with paragraph (i) by 9 (which is the total number of full weeks during which dental practices were closed in the period of closure) to produce the NAPVC attributable to the period of closure, and
 - (iii) calculating a sum equivalent to 16.75% of the amount determined in accordance with paragraph (ii); and
- (c) adjust the payments made to contractors by applying a deduction to the contractor’s Monthly APVCPs, for the period of four months beginning with 1st April 2021 by an amount equivalent to one quarter of the sum that has been determined in accordance with sub-paragraph (b)(iii).

23B.25 Paragraphs 23B.23 and 23B.24 do not apply to payments made to contractors that have notified the Board that they have carried out face to face treatments or face to face assessments during the period of closure in accordance with paragraph 38 of Schedule 3 to the GDS Contract Regulations.”.

Amendment to Section 34 of the Prototype SFE

13. In Section 34 of the Prototype SFE (glossary of terms), in paragraph 34.3 (definitions), after the definition of “Underlying contract” insert—

““Variable costs” means laboratory costs, material costs, travel costs and office and general costs.”.

(a) Section 23B was inserted by the Prototype Agreement Scheme Statement of Financial Entitlements (Amendment) Directions 2016.

Signed by the authority of the Secretary of State for Health and Social Care

A handwritten signature in blue ink, appearing to read 'E Scully', enclosed in a thin black rectangular border.

Edward Scully

Date: 12/03/2021

A member of the Senior Civil Service
Department of Health and Social Care