
D I R E C T I O N S

NATIONAL HEALTH SERVICE ACT 2006

ENGLAND

The General Dental Services Statement of Financial Entitlements and the Personal Dental Services Statement of Financial Entitlements (Amendment No.2) Directions 2011

The Secretary of State gives the following Directions in exercise of the powers conferred by sections 103(1) and (3), 109(4) and (5), 272(7) and (8) and 273(1) of the National Health Service Act 2006(a).

The Secretary of State for Health has consulted in accordance with section 103(4) of that Act, in so far as is required by that section, with the bodies appearing to the Secretary of State to be representative of persons to whose remuneration these Directions relate.

Citation and commencement

1.—(1) These Directions may be cited as the General Dental Services Statement of Financial Entitlements and the Personal Dental Services Statement of Financial Entitlements (Amendment No.2) Directions 2011.

(2) These Directions come into force on 21st October 2011 but the amendments to the General Dental Services Statement of Financial Entitlements and the Personal Dental Services Statement of Financial Entitlements have effect from 1st April 2011.

Amendments to the General Dental Services Statement of Financial Entitlements

2.—(1) The directions given by the Secretary of State in the General Dental Services Statement of Financial Entitlements signed on 31st March 2009(b) are amended as follows.

(2) In section 2 (Negotiated Annual Contract Values), at the end of paragraph 2.3 (New or First NAVCs), insert “This paragraph also applies in a case where a PDS agreement from which a contractor has transferred has been varied to include a Capitation and Quality Scheme Agreement.”.

(3) In section 6 (seniority payments)—

- (a) in paragraph 6.3(c) (eligibility criteria) and paragraphs 6.4(b) and 6.5(c) (applications for a seniority payment), in each place “contractor or PDS Agreement Holder” occurs, insert after those words the words “(who may in fact be a Scheme Agreement Holder)”; and
- (b) for paragraph 6.7 and paragraph 6.8 (the percentage calculation and the maximum amount of Monthly Seniority Payments), substitute—

(a) 2006 c.41.

(b) The General Dental Services Statement of Financial Entitlements signed on 30th March 2009 is amended by the General Dental Services Statement of Financial Entitlements (Amendment) Directions 2010 signed on 8th April 2010, and the General Dental Services Statement of Financial Entitlements and the Personal Dental Services Statement of Financial Entitlements (Amendment) Directions 2011 signed on 4th May 2011. All aforementioned Directions are published on the Department of Health website www.dh.gov.uk.

“6.7 This paragraph applies where a Monthly Seniority Payment is payable in respect of a particular Dentist Performer to more than one contractor or PDS Agreement Holder (one or more of whom may in fact be Scheme Agreement Holders). Where the totals payable under each contract or agreement (including where the contract or agreement has been varied to include a Capitation and Quality Scheme Agreement), taken together, would (if there were no maximum amounts) exceed £662, the maximum amount payable under all the contracts and agreements under which the Monthly Seniority Payments may be payable in respect of that Performer is £662. The £662 must be distributed proportionately between each GDS contract and PDS agreement.

6.8 So, if the Dentist Performer earns 60% of his net monthly Pensionable Earnings from a GDS contract (including a GDS contract that has been varied to include a Capitation and Quality Scheme Agreement), 30% from one PDS agreement (including a PDS agreement which has been varied to include a Capitation and Quality Scheme Agreement) and 10% from another PDS agreement (including a PDS agreement that has been varied to include a Capitation and Quality Scheme Agreement), the monthly Seniority Payment under the GDS contract would be £397 (including any that have been varied), and under the two PDS agreements (including any which has been varied) would be £199 and £66 respectively.”.

(4) In section 8 (payments in respect of maternity, paternity and adoption leave)—

- (a) in paragraphs 8.10(b), 8.11(c) and 8.12(d) (applications for parental leave payments), in each place “contractor, or by a PDS Agreement Holder under the PDS SFE” occurs, substitute “contractor under this SFE, or by a PDS Agreement Holder under the PDS SFE or by a Scheme Agreement Holder under the Scheme SFE”; and
- (b) in paragraph 8.15(a) (conditions attached to parental leave), for “GDS contract or PDS agreement”, substitute “GDS contract (including where the GDS contract has been varied to include a Capitation and Quality Scheme Agreement) or, PDS agreement (including where the PDS agreement has been varied to include a Capitation and Quality Scheme Agreement)”.

(5) In section 9 (payments in respect of long-term sickness absence)—

- (a) in paragraph 9.6(b) (applications for sickness leave payments) for “contractor, or by a PDS Agreement Holder under the PDS SFE”, substitute “contractor under this SFE, or by a PDS Agreement Holder under the PDS SFE or by a Scheme Agreement Holder under the Scheme SFE”; and
- (b) in paragraph 9.9(b) (conditions attached to sickness leave payments), for “GDS Contract or PDS agreement”, substitute “GDS contract (including where the GDS contract has been varied to include a Capitation and Quality Scheme Agreement) or PDS agreement (including where the PDS agreement has been varied to include a Capitation and Quality Scheme Agreement)”.

(6) In section 12 (glossary of terms), in paragraph 12.3 (definitions), at the appropriate alphabetical place insert—

““Capitation and Quality Scheme Agreement” means an agreement which forms a temporary part of a GDS contract or PDS agreement and which is entered into as part of the Capitation and Quality Scheme and in accordance with the National Health Service (Dental Services) (Capitation and Quality Scheme Agreements) Directions 2011(a);”;

““Scheme Agreement Holder” means a person who is a party to, or persons who are parties to, a Capitation and Quality Scheme Agreement;”;

(a) The National Health Service (Dental Services) (Capitation and Quality Scheme Agreements) Directions 2011 signed on 27th April 2011 and published on the Department of Health website www.dh.gov.uk.

““Scheme SFE” means the Capitation and Quality Scheme Agreements Statement of Financial Entitlements(a);”.

Amendments to the Personal Dental Services Statement of Financial Entitlements

3.—(1) The directions given by the Secretary of State in the Personal Dental Services Statement of Financial Entitlements signed on 31st March 2009(b) are amended as follows.

(2) In section 6 (seniority payments)—

- (a) in paragraph 6.3(c) (eligibility criteria), for “contractor or PDS Agreement Holder” substitute “contractor or GDS Contract Holder (who may in fact be a Scheme Agreement Holder)”;
- (b) in paragraphs 6.4(b) and 6.5(c) (applications for a seniority payment), in each place “contractor or GDS Contract Holder” occurs, insert after those words the words “(who may in fact be a Scheme Agreement Holder)”;
- (c) for paragraph 6.7 and paragraph 6.8 (the percentage calculation and the maximum amount of Monthly Seniority Payments), substitute—

“6.7 This paragraph applies where a Monthly Seniority Payment is payable in respect of a particular Dentist Performer to more than one contractor or GDS Contract Holder (one or more of whom may in fact be Scheme Agreement Holders). Where the totals payable under each contract or agreement (including where the contract or the agreement has been varied to include a Capitation and Quality Scheme Agreement), taken together, would (if there were no maximum amounts) exceed £662, the maximum amount payable under all the contracts and agreements under which the Monthly Seniority Payments may be payable in respect of that Performer is £662. The £662 must be distributed proportionately between each GDS contract and PDS agreement.

6.8 So, if the Dentist Performer earns 60% of his net monthly Pensionable Earnings from a GDS contract (including a GDS contract that has been varied to include a Capitation and Quality Scheme Agreement), 30% from one PDS agreement (including a PDS agreement which has been varied to include a Capitation and Quality Scheme Agreement) and 10% from another PDS agreement (including a PDS agreement which has been varied to include a Capitation and Quality Scheme Agreement), the monthly Seniority Payment under the GDS contract would be £397 (including any which have been varied), and under the two PDS agreements (including any which has been varied) would be £199 and £66 respectively.”.

(3) In section 8 (payments in respect of maternity, paternity and adoption leave)—

- (a) in paragraphs 8.10(b), 8.11(c) and 8.12(d) (applications for parental leave payments), in each place “contractor, or by a GDS Contract Holder under the GDS SFE” occurs, substitute “contractor under this SFE, or by a GDS Contract Holder under the GDS SFE or by a Scheme Agreement Holder under the Scheme SFE”; and
- (b) in paragraph 8.15(a)(conditions attached to parental leave payments), for “PDS agreement or GDS contract” substitute “PDS agreement (including where the PDS agreement has been varied to include a Capitation and Quality Scheme Agreement) or GDS contract (including where the GDS contract has been varied to include a Capitation and Quality Scheme Agreement)”.

(4) In section 9 (payments in respect of long-term sickness absence)—

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- (a) The Capitation and Quality Scheme Agreements Statement of Financial Entitlements signed on 24th May 2011 and published on the Department of Health website www.dh.gov.uk.
 - (b) The Personal Dental Services Statement of Financial Entitlements signed on 31st March 2009 is amended by the Personal Dental Services Statement of Financial Entitlements (Amendment) Directions 2010 signed on 8th April 2010, and the General Dental Services Statement of Financial Entitlements and the Personal Dental Services Statement of Financial Entitlements (Amendment) Directions 2011 signed on 4th May 2011. All aforementioned Directions are published on the Department of Health website www.dh.gov.uk.

- (a) in paragraph 9.6(b) (applications for sickness leave payments) for “contractor, or by a GDS Contract Holder under the GDS SFE” substitute “contractor under this SFE, or by a GDS Contract Holder under the GDS SFE or by a Scheme Agreement Holder under the Scheme SFE”; and
- (b) in paragraph 9.9(b) (conditions attached to sickness leave payments), for “PDS agreement or GDS contract” substitute “PDS agreement (including where the PDS agreement has been varied to include a Capitation and Quality Scheme Agreement) or GDS contract (including where the GDS contract has been varied to include a Capitation and Quality Scheme Agreement)”.

(5) In section 12 (glossary of terms), in paragraph 12.3 (definitions), at the appropriate alphabetical place insert—

““Capitation and Quality Scheme Agreement” means an agreement which forms a temporary part of a GDS contract or PDS agreement and which is entered into as part of the Capitation and Quality Scheme and in accordance with the National Health Service (Dental Services) (Capitation and Quality Scheme Agreements) Directions 2011(a);”;

““Scheme Agreement Holder” means a person who is a party to, or persons who are parties to, a Capitation and Quality Scheme Agreement;”;

““Scheme SFE” means the Capitation and Quality Scheme Agreements Statement of Financial Entitlements(b);”.

Signed by authority of the Secretary of State for Health

Elizabeth Lynam
A member of the Senior Civil Service
Department of Health

Date 20 October 2011

(a) The National Health Service (Dental Services) (Capitation and Quality Scheme Agreements) Directions 2011 signed on 27th April 2011 and published on the Department of Health website www.dh.gov.uk.

(b) The Capitation and Quality Scheme Agreements Statement of Financial Entitlements signed on 24th May 2011 published on the Department of Health website www.dh.gov.uk.