
DIRECTIONS

NATIONAL HEALTH SERVICE ACT 2006

The Primary Dental Services Statements of Financial Entitlements (Amendment) Directions 2017

The Secretary of State for Health, having consulted in relation to directions 3 to 11 in accordance with section 103(4) of the National Health Service Act 2006(a) with the bodies 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) and (5), 272(8) and 273(1) of that Act(b).

Part I

Introductory

Citation and commencement

1.—(1) These Directions may be cited as the Primary Dental Services Statements of Financial Entitlements (Amendment) Directions 2017.

(2) These Directions come into force immediately after they are signed but have effect from 1st April 2017.

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

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

(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 21(6), 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 and the Primary Dental Services Statements of Financial Entitlements (Amendment) Directions 2016 signed on 16th of May 2016. 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, Room 201 Richmond House, 79 Whitehall, London, SW1A 2NS.

(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 and the Primary Dental Services Statements of Financial Entitlements (Amendment) Directions 2016 signed on 16th of May 2016. 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, Room 201 Richmond House, 79 Whitehall, London, SW1A 2NS.

Part II

Amendments to the GDS SFE

Amendment of Section 8 of the GDS SFE

3. In Section 8 of the GDS SFE (payments in respect of maternity, paternity and adoption leave)—

- (a) in paragraph 8.13 (calculation of the amount of parental leave payments and the due date) for “The amount to which the contractor” substitute “Subject to paragraphs 8.14A to 8.14D, the amount to which the contractor”;
- (b) in paragraph 8.14 for “That weekly amount” substitute “Subject to paragraphs 8.14A to 8.14D, that weekly amount”; and
- (c) after paragraph 8.14 insert—

“**8.14A** Subject to paragraphs 8.14B and 8.14C, where a contractor is entitled to receive a maternity leave payment by virtue of paragraph 8.3, the sum of £139.58 is to be deducted from the weekly amount of that payment calculated in accordance with paragraphs 8.13 and 8.14 (which represents a deduction in respect of statutory maternity allowance to which the performer is entitled).

8.14B Where a contractor is entitled to receive a maternity leave payment by virtue of paragraph 8.3 in respect of a performer who is employed or engaged by more than one contractor, the sum to be deducted from the weekly amount of that payment calculated in accordance with paragraphs 8.13 and 8.14 is A divided by $B \times £139.58$, where—

(a) “ A ” is the net weekly pensionable earnings of the performer from the relevant contract;

(b) “ B ” is the total net weekly pensionable earnings of the performer from each contract under which the performer is employed or engaged (including the relevant contract); and

(c) “the relevant contract” is the performer’s contract with the contractor claiming a maternity leave payment in respect of the performer.”.

8.14C Paragraph 8.14A does not apply where a performer, in respect of whom a maternity leave payment is claimed, is not entitled to statutory maternity allowance, provided the contractor complies with the condition specified in paragraph 8.15A.

Maximum weekly amounts

8.14D. The maximum weekly amounts payable under this Section for the applicable parental leave pay period are as follows —

- (a) in respect of a Dentist Performer who does not perform orthodontic services, the maximum weekly amount is £1,660 per week;
- (b) in respect of a Dentist Performer, whose weekly net pensionable earnings from the provision of orthodontic services amounts to 50% or more of that performer’s total weekly net pensionable earnings, the maximum weekly amount is £3,630 per week; or
- (c) in respect of a Dentist Performer, whose weekly net pensionable earnings from the provision of orthodontic services is less than 50% of that performer’s total weekly net pensionable earnings, the maximum weekly amount is £1,660 per week.”.

(a) The Prototype Agreement Scheme Statement of Financial Entitlements, signed on 23rd of September 2015, was amended by the Prototype Agreement Scheme Statement of Financial Entitlements (Amendment) Directions 2016, signed on 16th May 2016, which are published on www.gov.uk. Hard copies of these documents can be obtained by writing to Dental and Eye Care Services, Room 201 Richmond House, 79 Whitehall, London, SW1A 2NS.

(d) after paragraph 8.15 (conditions attached to parental leave payments) insert—

8.15A Where a performer, in respect of whom a maternity leave payment is claimed, is not entitled to statutory maternity allowance and the relevant contractor wishes to claim the full weekly amount of the payment referred to in paragraph 8.13 and 8.14, that contractor must provide to the Board such evidence of non entitlement to statutory maternity allowance as the Board may reasonably request.

8.15B Subject to 8.15C, If for any reason the performer in respect of whom a maternity leave payment is claimed, is only entitled to a lower rate of statutory maternity allowance, the amount to be deducted from the payment referred to in paragraph 8.13 and 8.14 is an amount equivalent to the actual amount of statutory maternity allowance that the performer is in receipt of.

8.15C Where applicable, any deductions made in paragraph 8.15B are to be calculated in accordance with paragraph 8.14B.

(e) after paragraph 8.17 insert —

“8.18. The changes to entitlement to parental leave payments made by direction 8.14D do not apply to any claim made by a contractor under this Section in respect of a period of leave that commences before 1st October 2017.”.

Amendment of Section 9 of the GDS SFE

4. In Section 9 of the GDS SFE (payments in respect of long-term sickness absence)—

- (a) in paragraph 9. 7 (calculation of the amount of sickness leave payments and the due date) for “The amount to which the contractor” substitute “Subject to paragraph 9.8A, the amount to which the contractor”;
- (b) in paragraph 9.8 for “The weekly amount” substitute “Subject to paragraph 9.8A, the weekly amount”; and
- (c) after paragraph 9.8 insert—

“Maximum weekly amounts

9.8A. The maximum weekly amounts payable under this Section are as follows—

- (a) in respect of a Dentist Performer who does not perform orthodontic services, is £1,660 per week; and
- (b) in respect of a Dentist Performer whose weekly net pensionable earnings from the provision of orthodontic services amounts to 50% or more of that performer’s total weekly net pensionable earnings, the maximum weekly amount is £3,630 per week; or
- (c) in respect of a Dentist Performer whose weekly net pensionable earnings from the provision of orthodontic services is less than 50% of that performer’s total weekly net pensionable earnings, the maximum weekly amount is £1,660 per week.”.

Part III

Amendments to the PDS SFE

Amendment to Section 8 of the PDS SFE

5.In Section 8 of the PDS SFE (payments in respect of maternity, paternity and adoption leave)—

- (a) in paragraph 8.13 (calculation of the amount of parental leave payments and the due date) for “The amount to which the contractor” substitute “Subject to paragraph 8.14A to and 8.14D, the amount to which the contractor”;
- (b) in paragraph 8.14 for “That weekly amount” substitute “Subject to paragraph 8.14A to 8.14D, that weekly amount”; and
- (c) after paragraph 8.14 insert—

“**8.14A** Subject to paragraphs 8.14B and 8.14C, where a contractor is entitled to receive a maternity leave payment by virtue of paragraph 8.3, the sum of £139.58 is to be deducted from the weekly amount of that payment calculated in accordance with paragraphs 8.13 and 8.14 (which represents a deduction in respect of statutory maternity allowance to which the performer is entitled).

8.14B Where a contractor is entitled to receive a maternity leave payment by virtue of paragraph 8.3 in respect of a performer who is employed or engaged by more than one contractor, the sum to be deducted from the weekly amount of that payment calculated in accordance with paragraphs 8.13 and 8.14 is $A \div B \times £139.58$, where—

- (a) “A” is the net weekly pensionable earnings of the performer from the relevant contract;
- (b) “B” is the total net weekly pensionable earnings of the performer from each contract under which the performer is employed or engaged (including the relevant contract); and
- (c) “the relevant contract” is the performer’s contract with the contractor claiming a maternity leave payment in respect of the performer.”.

8.14C Paragraph 8.14A does not apply where a performer, in respect of whom a maternity leave payment is claimed, is not entitled to statutory maternity allowance, provided the contractor complies with the condition specified in paragraph 8.15A.

Maximum weekly amounts

8.14D The maximum weekly amount payable under this Section for the applicable parental leave pay period are as follows—

- (a) in respect of a Dentist Performer who does not perform orthodontic services, the maximum weekly amount is £1,660 per week;
- (b) in respect of a Dentist Performer whose weekly net pensionable earnings from the provision of orthodontic services amounts to 50% or more of that performer’s total weekly net pensionable earnings, the maximum weekly amount is £3,630 per week; or
- (c) in respect of a Dentist Performer whose weekly net pensionable earnings from the provision of orthodontic services is less than 50% of that performer’s total weekly net pensionable earnings, the maximum weekly amount is £1,660 per week.”.
- (d) after paragraph 8.15 (conditions attached to parental leave payments) insert—

“**8.15A** Where a performer, in respect of whom a maternity leave payment is claimed, is not entitled to statutory maternity allowance and the relevant contractor wishes to claim the full weekly amount of the payment referred to in paragraph 8.13 and 8.14, that contractor must provide to the Board such evidence of non entitlement to statutory maternity allowance as the Board may reasonably request.

8.15B If for any reason the performer is entitled to statutory maternity allowance but not at the full rate, the Board may make an appropriate adjustment to the calculations described above in paragraphs 8.14A to 8.14D.”.

- (e) after paragraph 8.17 insert-

“**8.18** The changes to entitlement to parental leave payments made by direction 8.14D with effect from 1st April 2017 do not apply to any claim made by a contractor under this Section in respect of a period of leave that commences before 1st October 2017.”.

Amendment of Section 9 of the PDS SFE

- 6.** In Section 9 of the PDS SFE (payments in respect of long-term sickness absence)—
- (a) in paragraph 9.7 (calculation of the amount of sickness leave payments and the due date) for “The amount to which the contractor” substitute “Subject to paragraph 9.8A, the amount to which the contractor”;
 - (b) in paragraph 9.8 for “The weekly amount” substitute “Subject to paragraph 9.8A, the weekly amount”; and
 - (c) after paragraph 9.8 insert—

“Maximum weekly amounts

9.8A The maximum weekly amount payable under this Section is as follows—

- (a) in respect of a Dentist Performer who does not perform orthodontic services, the maximum weekly amount is £1,660 per week; and
- (b) in respect of a Dentist Performer whose weekly net pensionable earnings from the provision of orthodontic services amounts to 50% or more of that performer’s total weekly net pensionable earnings, the maximum weekly amount is £3,630 per week; or
- (c) in respect of a Dentist Performer whose weekly net pensionable earnings from the provision of orthodontic services is less than 50% of that performer’s total weekly net pensionable earnings, the maximum weekly amount is £1,660 per week.”.

Part IV

Amendments to the Prototype SFE

Amendment of Section 13 of the Prototype SFE

7. In Section 13 of the Prototype SFE (payments in respect of maternity, paternity and adoption leave)—

- (a) in paragraph 13.13 (calculations of the amount of parental leave payments and the due date) for “The amount to which the contractor” substitute “Subject to paragraph 13.14A to 13.14D, the amount to which the contractor”;
- (b) in paragraph 13.14 for “That weekly amount” substitute “Subject to paragraph 13.14A to 13.14D, that weekly amount”; and
- (c) after paragraph 13.14 insert—

“**13.14A** Subject to paragraphs 13.14B and 13.14C, where a contractor is entitled to receive a maternity leave payment by virtue of paragraph 8.3, the sum of £139.58 is to be deducted from the weekly amount of that payment calculated in accordance with paragraphs 13.13 and 13.14 (which represents a deduction in respect of statutory maternity allowance to which the performer is entitled).

13.14B Where a contractor is entitled to receive a maternity leave payment by virtue of paragraph 8.3 in respect of a performer who is employed or engaged by more than one contractor, the sum to be deducted from the weekly amount of that payment calculated in accordance with paragraphs 8.13 and 8.14 is $A \div B \times £139.58$, where—

(a) “A” is the net weekly pensionable earnings of the performer from the relevant contract;

(b) “B” is the total net weekly pensionable earnings of the performer from each contract under which the performer is employed or engaged (including the relevant contract); and

(c) “the relevant contract” is the performer’s contract with the contractor claiming a maternity leave payment in respect of the performer.”.

13.14C Paragraph 13.14A does not apply where a performer, in respect of whom a maternity leave payment is claimed, is not entitled to statutory maternity allowance, provided the contractor complies with the condition specified in paragraph 13.15A.

Maximum weekly amounts

13.14D The maximum weekly amounts payable under this Section for the applicable parental leave pay period are as follows—

(a) in respect of a Dentist Performer who does not perform orthodontic services, the maximum weekly amount is £1,660 per week; and

(b) in respect of a Dentist Performer whose weekly net pensionable earnings from the provision of orthodontic services amounts to 50% or more of that performer’s total weekly net pensionable earnings, the maximum weekly amount is £3,630 per week; or

(c) in respect of a Dentist Performer whose weekly net pensionable earnings from the provision of orthodontic services is less than 50% of that performer’s total weekly net pensionable earnings, the maximum weekly amount is £1,660 per week.

(d) after paragraph 13.15 (conditions attached to parental leave payments) insert—

“**13.15A** Where a performer, in respect of whom a maternity leave payment is claimed, is not entitled to statutory maternity allowance and the relevant contractor wishes to claim the full weekly amount of the full payment referred to in paragraph 13.13 and 13.14, that contractor must provide to the Board such evidence of non entitlement to statutory maternity allowance as the Board may reasonably request.

13.15B If for any reason the performer is entitled to statutory maternity allowance but not at the full rate, the Board may make an appropriate adjustment to the calculations described above in paragraphs 13.14A to 13.14D.”.

(e) after paragraph 13.17 insert-

“**13.18** The changes to entitlement to parental leave payments made by direction 13.14D do not apply to any claim made by a contractor under this Section in respect of a period of leave that commences before 1st October 2017.”.

Amendment of Section 14 of the Prototype SFE

8. In Section 14 of the Prototype SFE (payments in respect of long-term sickness absence)—

(a) in paragraph 14.7 for “The amount to which the contractor” substitute “Subject to paragraph 14.8A, the amount to which the contractor”;

(b) in paragraph 14.8 for “The weekly amount” substitute “Subject to paragraph 14.8A, the weekly amount”; and

(c) after paragraph 14.8 insert—

“Maximum weekly amounts

14.8A The maximum weekly amounts payable under this Section are as follows—

- (a) in respect of a Dentist Performer who does not perform orthodontic services, the maximum weekly amount is £1,660 per week; and
- (b) in respect of a Dentist Performer whose weekly net pensionable earnings from the provision of orthodontic services amounts to 50% or more of that performer's total weekly net pensionable earnings, the maximum weekly amount is £3,630 per week; or
- (c) in respect of a Dentist Performer whose weekly net pensionable earnings from the provision of orthodontic services is less than 50% of that performer's total weekly net pensionable earnings, the maximum weekly amount is £1,660 per week.”.

Amendment of Section 29 of the Prototype SFE

9. In Section 29 of the Prototype SFE (payments in respect of maternity, paternity and adoption leave)—

- (a) in paragraph 29.13 (calculation of the amount of parental leave payments and due date) for “The amount to which the contractor” substitute “Subject to paragraph 29.14A to 29.14D, the amount to which the contractor”;
- (b) in paragraph 29.14 for “That weekly amount” substitute “Subject to paragraph 29.14A to 29.14D, that weekly amount”; and
- (c) after paragraph 29.14 insert—

“29.14A Subject to paragraphs 29.14B and 29.14C, where a contractor is entitled to receive a maternity leave payment by virtue of paragraph 29.3, the sum of £139.58 is to be deducted from the weekly amount of that payment calculated in accordance with paragraphs 13.13 and 13.14 (which represents a deduction in respect of statutory maternity allowance to which the performer is entitled).

29.14B Where a contractor is entitled to receive a maternity leave payment by virtue of paragraph 8.3 in respect of a performer who is employed or engaged by more than one contractor, the sum to be deducted from the weekly amount of that payment calculated in accordance with paragraphs 8.13 and 8.14 is $A \div B \times £139.58$, where—

- (a) “A” is the net weekly pensionable earnings of the performer from the relevant contract;
- (b) “B” is the total net weekly pensionable earnings of the performer from each contract under which the performer is employed or engaged (including the relevant contract); and
- (c) “the relevant contract” is the performer's contract with the contractor claiming a maternity leave payment in respect of the performer.”.

29.14C Paragraph 29.14A does not apply where a performer, in respect of whom a maternity leave payment is claimed, is not entitled to statutory maternity allowance, provided the contractor complies with the condition specified in paragraph 29.15A.

Maximum weekly amounts

29.14D The maximum weekly amount payable under this Section for the applicable parental leave pay period is as follows—

- (a) in respect of a Dentist Performer who does not perform orthodontic services, the maximum weekly amount is £1,660 per week;
- (b) in respect of a Dentist Performer whose weekly net pensionable earnings from the provision of orthodontic services amounts to 50% or more of that performer's total weekly net pensionable earnings, the maximum weekly amount is £3,630 per week; or

- (c) in respect of a Dentist Performer whose weekly net pensionable earnings from the provision of orthodontic services is less than 50% of that performer's total weekly net pensionable earnings, the maximum weekly amount is £1,660 per week.”
- (d) after paragraph 29.15 (conditions attached to parental leave payments) insert—

“**29.15A** Where a performer, in respect of whom a maternity leave payment is claimed, is not entitled to statutory maternity allowance and the relevant contractor wishes to claim the full weekly amount of the full payment referred to in paragraph 29.13 and 29.14, that contractor must provide to the Board such evidence of non entitlement to statutory maternity allowance as the Board may reasonably request.

29.15B. If for any reason the performer is entitled to statutory maternity allowance but not at the full rate, the Board may make an appropriate adjustment to the calculations described above in paragraphs 29.14A to 29.14D.”.

- (e) after paragraph 29.17 insert-

“**29.18** The changes to entitlement to parental leave payments made by direction 29.14D do not apply to any claim made by a contractor under this Section in respect of a period of leave that commences before 1st October 2017.”.

Amendment of Section 30 of the Prototype SFE

10. In Section 30 of the Prototype SFE (payments in respect of long-term sickness absence)—

- (a) in paragraph 30.7 (calculation of the amount of sickness leave payments and the due date) for “The amount to which the contractor” substitute “Subject to paragraph 30.8A, the amount to which the contractor”;
- (b) in paragraph 30.8 for “The weekly amount” substitute “Subject to paragraph 30.8A, the weekly amount”; and
- (c) after paragraph 30.8 insert—

“Maximum weekly amounts

30.8A. The maximum weekly amount payable under this Section is as follows—

- (a) in respect of a Dentist Performer who does not perform orthodontic services, the maximum weekly amount is £1,660 per week;
- (b) in respect of a Dentist Performer whose weekly net pensionable earnings from the provision of orthodontic services amounts to 50% or more of that performer's total weekly net pensionable earnings, the maximum weekly amount is £3,630 per week; or
- (c) in respect of a Dentist Performer whose weekly net pensionable earnings from the provision of orthodontic services is less than 50% of that performer's total weekly net pensionable earnings, the maximum weekly amount is £1,660 per week.”.

Signed by authority of the Secretary of State

Louise Everett
A Member of the Senior Civil Service
Department of Health

9 February 2017