

Health and Social Services Committee

HSS(2)-18-06(p.3)

Meeting date: Wednesday 13 December 2006

Venue: Committee Room 1, Senedd, National Assembly for Wales

Title: The National Health Service 1977 Local Health Board Dental Services Directions 2007.

Purpose

1. This paper provides the Committee with the opportunity it requested to

consider the legislation relating to the National Health Service 1977 Local Health Board Dental Services Directions 2007.

Summary

2. When it met on the 13 October 2006 the Committee selected this legislation for scrutiny. The proposed legislation would allow Local Health Boards (LHBs) the ability to ensure a common and consistent framework is used by LHBs when directly providing primary care dental services.

Background

3. Prior to April 1st 2006 in England salaried dental services had been provided under one of three routes. Community Dental Services (CDS), Salaried Personal Dental Service (PDS) pilots or salaried General Dental Practitioners (GDS). The new GDS regulations were made on the 31st March 2006 so it was necessary to make alternative arrangements for salaried GDPs and likewise salaried PDS pilots. On 1st April, England issued Directions to Primary Care Trusts to ensure a common approach with those services commissioned from independent contractor dentists and in the longer term promote greater flexibility and choice.

4. Following the introduction of the new dental contract on 1st April 2006 LHBs in Wales now have the responsibility to ensure adequate provision of primary care dentistry to all their residents including children and those with special health needs. LHBs can provide such services by:-

- Contracting under GDS and PDS with independent dental contractors
- Commissioning community dental services and PDS services for NHS Trusts
- Directly providing primary care dental services themselves

5. It is recommended that the Welsh Assembly Government ensures that the

Local Health Boards in Wales have similar flexibility and that any salaried dental services directly provided by LHBs are done so through a common approach with those services commissioned from independent contractor dentists. The proposed legislation would also set out other standards required of the LHB dental services which reflect those required of services delivered through salaried PDS agreements.

Financial Implications

6. There are no financial implications related to the proposed legislation. The legislation does not impose any additional costs on the public sector, small businesses, charity or the voluntary sector.

Target Implementation

7. Following the Committee's consideration of the Directions, I intend submitting them to Business Committee on the 16 January 2007 with the aim of tabling a final draft at Plenary on the 30 January 2007. Subject to the National Assembly's approval the Directions will come into force on the 1 February 2007.

Action of Subject Committee

8. The Committee is invited to:

consider this paper; and note the intention to proceed with the draft Directions in accordance with standing order 29.

Brian Gibbons AM

Minister for Health and Social Services

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To: Business Committee

From: Brian Gibbons AM

Minister for Health and Social Services

Standing Order 29.3(ii) Explanatory Memorandum In Respect Of:

National Health Service Act 1977

The Local Health Board Dental Services Directions 2007

Summary

These Directions set out the procedures that Local Health Boards (LHBs) are required to follow if they directly provide primary care dental services to ensure a common and consistent framework is used by LHBs.

Enabling Power

1. The powers enabling these Directions to be made are contained in section 16BB(4) of the National Health Service Act 1977.

Background

2. From the 1 April 2006, LHBs, as local commissioners, now have the responsibility to ensure adequate provision of primary care dentistry to all their residents including children and those with special health needs. LHBs can provide such services by :-

- contracting under the General Dental Services (GDS) and the Personal Dental Services (PDS) with independent dental contractors;
- commissioning community dental services and PDS services for NHS Trusts; and
- directly providing primary care dental services.

3. Prior to 1 April 2006 salaried dental services in England and Wales had been provided under one of three routes: Community Dental Services; Salaried PDS pilots; or Salaried GDP's. However, the new GDS Regulations came into force on 1 April 2006, making it necessary to make alternative arrangements for salaried GDPs and likewise salaried PDS pilots. Therefore, on 1 April 2006, England issued Directions to Primary Care Trusts to ensure a common approach with those services commissioned from independent contractor dentists and in the longer term promote greater flexibility and choice.

Effect

4. These Directions will ensure that Local Health Boards in Wales have similar flexibility as in England and that any salaried dental services directly provided by LHBs are done so through a common approach with those services commissioned from independent contractor dentists. The Directions also set out other standards required of the LHB dental services, which reflect those required of services delivered under salaried PDS agreements. The principle implications are in respect of the Performers List and patient charges. These are just minor standards which will ensure a consistency with the rest of the primary dental care in relation to a number of matters, these include a 'service statement' providing information as specified in the Directions, the services to be provided, how to express a preference of practitioner and a patient information leaflet.

Target Implementation

5. It is intended that the proposed Directions be made on 30 January 2007 and come into force on 1

February 2007. If these target dates are not met it will mean that Local Health Boards would not have the full capability to employ salaried dentists, unlike their English counterparts as the legislation has been in place in England since 1 April 2006.

Financial Implications

6. There are no financial implications for the Assembly in relation to these Directions. The Directions do not impose any additional costs on the public sector, small businesses, charity or the voluntary sector.

Consultation

With Stakeholders

7. These Directions were part of the general consultation on the GDS and the PDS Contract between key stakeholders, the British Dental Association, Department of Health and the Welsh Assembly Government, which took place prior to the introduction of the new General Dental Services and Personal Dental Services contracts on the 1 April 2006. No comments were received directly relating to these Directions.

With Subject Committee

8. These Directions, under the title The National Health Service Act 1977 Primary Care Trust Dental Services Directions 2006, were notified to the Health and Social Services Committee, via the list of forthcoming legislation, on 5 July 2006 (HSS(2)-12-06 (p.2a) item no: HSS 28(06)) and identified for detailed scrutiny. The Committee are due to scrutinise the Directions at its meeting on 13 December 2006.

Consideration by Legislation Committee

9. These Directions are scheduled to be considered by the Legislation Committee on 23 January 2007.