



## THE BDA AND PCTS

Welcome to the second of the British Dental Association's PCT newsletters. The BDA provides personal help and advice to BDA member dentists and ensures that they keep pace with GDS and PDS rules and regulations and local contracting. We aim to work constructively with PCTs to help minimise disputes and administrative problems that can arise because of the complexity of the contracting arrangements.

### BDA Contacts

Trevor Homewood

020 7563 4151

Hollie de la Fuente

020 7563 4574

Elliott Vigar

020 7563 6886

## End-of-second-year processes

After a difficult first year, the second year of the new contracting arrangements has gone more smoothly with dentists and PCTs becoming more familiar with the system. Some practices have also found that, despite working harder than ever, they have not provided as many UDAs as they have contracted for.

PCTs will be dealing with some cases of under-provision of UDAs when the final figures are available at the end of June. Where a contractor completes between 96 to 99 per cent their contracted UDAs/UOAs, the shortfall can only be rectified by being made up within a specified time period of not less than 60 days.

Where a practice has achieved less than 96 per cent of their UDA target, the PCT's options are:

- To take no action because contract performance as a whole and the individual practice circumstances are such that no action is justified
- To allow carry-over to 2008/09 so that any agreed shortfall will be made up
- To claw back contract value in respect of all or some of the lost UDAs/UOAs
- To issue another sanction which is not financial and does not reduce contract value
- In extreme cases, and where the contract allows, to terminate the contract.

Within GDS/PDS, PCTs cannot reduce contract values without the contractor's consent (Clauses 289-291 of the standard GDS contract/Clauses 288-290 standard PDS agreement). The PCT can ask the contractor to agree to a variation and the contractor must discuss it with the PCT, but they are not obliged to accept. Contractors can raise disputes with the NHSLA where a PCT has acted outside of the contract terms, is acting on inaccurate information or is otherwise in breach of contract.

Where there has been over-performance, the PCT is able to carry over UDAs/UOAs to 2008-9. An advice note on end-of-year processes is attached below.



2007-08 year-end in  
GDS PDS England & V

## Training

The BDA provides training for dentists on NHS tendering in both large and small group formats and is happy to do this through PCTs. The training can be an afternoon/evening lecture format or a two day intensive practical course for a small group. For more information contact Sarah Taylor at the BDA on [s.taylor@bda.org](mailto:s.taylor@bda.org)

We can also offer training to PCTs on GDS/PDS regulations and SFE payments on a small group basis. Training would be suitable for managers new to dentistry, but advanced workshops are also available to consider specific issues. Contact Penny Stayte on 020 7563 4154 or email [p.stayte@bda.org](mailto:p.stayte@bda.org)

## GDS/PDS 2009

There is a lot of misinformation and concern among dentists about what PCTs will be able to do in April 2009. The BDA's 2009 advice note sets out our understanding of the issues and provides advice to members. Feedback so far is that most PCTs are taking a sensible and pragmatic approach and are talking to their LDCs about the best way forward for their communities. .



GDS-PDS 2009

## BDA Good Practice Scheme -Version 4 released

Good Practice Scheme members 08



The BDA Good Practice Scheme is an excellent benchmark for quality in the delivery of dental care. There are now almost 900 dental practices displaying the exclusive scheme plaque and logo as a sign of their commitment to working to the highest professional standards. Hot spots for membership in South Yorkshire, Lincolnshire and Essex reflect where PCTs have been joint working with the BDA to encourage local practices towards recognition with the Scheme. The validation and assessment process gives all stakeholders added confidence in dental services and Version 4 of the Scheme programme has been revised to include new governance requirements as well as a selection of 'core' BDA advice sheets. For more information email: [goodpractice@bda.org](mailto:goodpractice@bda.org)

## Orthodontic contracts

Orthodontic contracts continue to generate a lot of enquiries and disputes between dentists and PCTs. The cases can range from contracts that are finishing because of a practice sale or retirement, to disputes that are still ongoing from 2006. Attached is an article that has recently appeared in our newspaper, BDA News, which set out the contractual position when an orthodontic contract ends.



Ending NHS  
orthodontic agreemer

## PDS contractors have the right to return to GDS

Unlike GDS contracts, PDS agreements are for a specific period and the PCT/LHB is under no legal obligation to renew at the end of the period. The general feeling is, however, that, if the contract holder is providing services in line with the PCT's/LHB's objectives and meeting targets, contracts are likely to be extended either for a further fixed term or on a rolling basis, although the PCT/LHB may seek to renegotiate the terms. PDS contractors also have the right (from Part 6 of the PDS Agreement Regulations 2005) to return to the GDS if they had the PDS agreement in April 2006, on giving three months' notice. This right is on the same terms as the PDS agreement.

## GDS Qs and As

Here are some common questions and answers regarding GDS contracts that may be of help to PCT managers.



GDS Eng & Wales Qs  
and As

## BDA commissioning workshop

The BDA held a successful commissioning workshop in April with dentists, commissioners, Department of Health and others. Topics included integrated commissioning and new initiatives to improve the way the contract works. To receive a copy of the report, please email Nicola Strutt at the BDA: [n.strutt@bda.org](mailto:n.strutt@bda.org)

## British Dental Guild Rate

The Dental Guild has now set the new rate applicable from 1<sup>st</sup> April 2008: £257 per session, or three and a half hours.

**We hope that you have found this newsletter of help. Should you have any comments or queries, please contact Penny Stayte on 020 7563 4154, [p.stayte@bda.org](mailto:p.stayte@bda.org). We are happy to add colleagues to the mailing list.**



British Dental Association  
64 Wimpole Street  
London W1G 8YS  
020 7563 4563  
[www.bda.org](http://www.bda.org)