STATUTORY INSTRUMENTS

2015 No. 416

NATIONAL HEALTH SERVICE, ENGLAND

The National Health Service (Primary Dental Services and General Ophthalmic Services) (Miscellaneous Amendments and Transitional Provision) Regulations 2015

Made - - - - 27th February 2015

Laid before Parliament 5th March 2015

Coming into force in accordance with regulation 1(2) and (3)

The Secretary of State for Health makes the following Regulations in exercise of the powers conferred by sections 104, 109, 121(1) and (2)(h) and 272(7) and (8) of the National Health Service Act 2006(**1**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (Primary Dental Services and General Ophthalmic Services) (Miscellaneous Amendments and Transitional Provision) Regulations 2015.

(2) This regulation and regulations 3, 4, 7 and 8 come into force on 1st April 2015.

(3) Regulations 2, 5, 6 and 9 to 12 come into force on 1st July 2015.

(4) In these Regulations—

"the GDS Regulations" means the National Health Service (General Dental Services Contracts) Regulations 2005(**2**);

"the GOS Regulations" means the General Ophthalmic Services Contracts Regulations 2008(**3**); and

(**1**) 2006 c.41. Section 104 has been amended by paragraph 46 of Schedule 4 to the Health and Social Care Act 2012 (c.7) ("the 2012 Act"). Section 109 has been amended by paragraph 50 of Schedule 4 to the 2012 Act. Section 121 has been amended by paragraph 59 of Schedule 4 to the 2012 Act. By virtue of section 271(1) of the National Health Service Act 2006 ("the 2006 Act"), the powers conferred by these sections are exercisable by the Secretary of State only in relation to England. *See also* section 275(1) of the 2006 Act for the definitions of "prescribed" and "regulations" which are relevant to the powers being exercised.

(**2**) S.I. 2005/3361.

(**3**) S.I. 2008/1185.

"the PDS Regulations" means the National Health Service (Personal Dental Services Agreements) Regulations 2005(**4**).

Amendment of regulation 9 of the GDS Regulations

2. In regulation 9(7) of the GDS Regulations(**5**) (health service body status), for sub-paragraph (b) substitute the following sub-paragraph—

"(b) paragraph (5), where it or the Board—

(i) has referred any matter to the NHS dispute resolution procedure before it ceases to be a health service body, or

(ii) refers any matter to the NHS dispute resolution procedure, in accordance with paragraph 54(1)(a) of Schedule 3, after it ceases to be a health service body,

the contractor is to continue to be treated as a health service body (and accordingly the contract is to continue to be regarded as an NHS contract) for the purposes of the consideration and determination of the dispute; or".

Amendment of regulation 24B of the GDS Regulations

3. In regulation 24B(2) of the GDS Regulations(**6**) (variation of contractual terms in respect of election to enter into a Capitation and Quality Scheme 2 Agreement), for "31st March 2015" substitute "31st March 2016".

New paragraph 5A of Schedule 3 to the GDS Regulations

4. After paragraph 5 of Schedule 3 to the GDS Regulations (other contractual terms – irrevocable breakdown in relationship between contractor and patient) insert—

"**Friends and Family Test**

5A.—(1) The contractor must give all patients who use the contractor's practice the opportunity to provide feedback about the service received from the practice through the Friends and Family Test(**7**).

(2) The contractor must—

(a) report the results of completed Friends and Family Tests to the Board; and

(b) publish the results of such completed tests(**8**),

in the manner approved by the Board.

(3) In this paragraph, "Friends and Family Test" means the arrangements that the contractor is required by the Board to implement to enable its patients to provide anonymous feedback about the patient experience at the contractor's practice.".

(**4**) S.I. 2005/3373.
(**5**) Regulation 9 has been amended by S.I. 2013/364.
(**6**) Regulation 24B was inserted by S.I. 2013/364.
(**7**) *See* "Friends and family test in NHS dental services – summary of the guidance", published on 15th September 2014. This guidance is available at http://www.england.nhs.uk/wp-content/uploads/2014/09/nhs-dent-serv-guid.pdf. Hard copies of this guidance are available from the NHS England Insight Team, Room 7E56, Quarry House, Quarry Hill, Leeds, LS2 7UE.
(**8**) *See* paragraphs 3.2 and 3.3 of "Friends and family test in NHS dental services – summary of the guidance", published on 15th September 2014, in respect of the requirement on dental practices to submit monthly reports to the Board and to publish the results of completed tests. This guidance is available at http://www.england.nhs.uk/wp-content/uploads/2014/09/nhs-dent-serv-guid.pdf. Hard copies of this guidance are available from the NHS England Insight Team, Room 7E56, Quarry House, Quarry Hill, Leeds, LS2 7UE.

Amendment of paragraph 54 of Schedule 3 to the GDS Regulations

5. In paragraph 54 of Schedule 3 to the GDS Regulations(**9**) (other contractual terms – dispute resolution: non-NHS contracts), for sub-paragraph (1) substitute the following sub-paragraph—

"(1) In the case of a contract that is not an NHS contract, any dispute arising out of or in connection with the contract, except matters dealt with under the complaints procedure pursuant to Part 6, may be referred for consideration and determination to the Secretary of State—

(a) if it relates to a period when the contractor was a health service body, by the contractor or by the Board; or

(b) in any other case, by the contractor or, if the contractor agrees in writing, by the Board.".

Amendment of regulation 9 of the PDS Regulations

6. In regulation 9(7) of the PDS Regulations(**10**) (health service body status), for sub-paragraph (b) substitute the following sub-paragraph—

"(b) paragraph (5), where it or the Board—

(i) has referred any matter to the NHS dispute resolution procedure before it ceases to be a health service body, or

(ii) refers any matter to the NHS dispute resolution procedure, in accordance with paragraph 54(1)(a) of Schedule 3, after it ceases to be a health service body,

the contractor is to continue to be treated as a health service body (and accordingly the agreement is to continue to be regarded as an NHS contract) for the purposes of the consideration and determination of the dispute; or".

Amendment of regulation 20B of the PDS Regulations

7. In regulation 20B(2) of the PDS Regulations(**11**) (variation of contractual terms in respect of election to enter into a Capitation and Quality Scheme 2 Agreement), for "31st March 2015" substitute "31st March 2016".

New paragraph 5A of Schedule 3 to the PDS Regulations

8. After paragraph 5 of Schedule 3 to the PDS Regulations (other contractual terms – irrevocable breakdown in relationship between contractor and patient) insert—

"**Friends and Family Test**

5A.—(1) The contractor must give all patients who use the contractor's practice the opportunity to provide feedback about the service received from the practice through the Friends and Family Test(**12**).

(2) The contractor must—

(a) report the results of completed Friends and Family Tests to the Board; and

(**9**) Paragraph 54 has been amended by S.I. 2013/364.
(**10**) Regulation 9 has been amended by S.I. 2013/364.
(**11**) Regulation 20B was inserted by S.I. 2013/364.
(**12**) *See* "Friends and family test in NHS dental services – summary of the guidance", published on 15th September 2014. This guidance is available at http://www.england.nhs.uk/wp-content/uploads/2014/09/nhs-dent-serv-guid.pdf. Hard copies of this guidance are available from the NHS England Insight Team, Room 7E56, Quarry House, Quarry Hill, Leeds, LS2 7UE.