

NHS ENGLAND DELEGATION AGREEMENT – CONTRACTUAL NOTICE

1. Information about this Contractual Notice

Title:	Contractual Notice for the exercise of Secondary Care Dental commissioning functions
Date of notice:	[insert date notice is served]
Effective date:	1 July 2022
Duration:	Ongoing (until further notice from NHS England)
Delegation Agreement:	This Contractual Notice is given pursuant to the Delegation Agreement dated [insert date] made between NHS England and NHS [insert name] Integrated Care Board
Purpose:	This Contractual Notice provides more detail on the arrangements in place for Secondary Care Dental services and the manner in which Secondary Care Dental commissioning functions are to be exercised.

This Contractual Notice is served by NHS England via email to the ICB's email address for notices stated in clause 1 (Particulars) of the Delegation Agreement.

2. Details and requirements

- 2.1. As from the Effective Date, the following provisions apply to the exercise of delegated functions in relation to Secondary Care Dental services (which, for the purposes of the Delegation Agreement, form part of the Prescribed Dental Services).
- 2.2. The ICB is responsible for commissioning Prescribed Dental Services for its Population, as set out in Schedule 2B of the Delegation Agreement. Secondary Care Dental budget is delegated to the ICB for this purpose.
- 2.3. Secondary Care Dental services are commissioned within wider NHS Standard Contracts that a) cover the whole population of England and b) typically also cover other services. For 2022/23 those contracts were made between NHS England and the relevant providers. Accordingly:
 - 2.3.1. NHS England is, and will remain, the “co-ordinating commissioner” (as defined in the NHS Standard Contract) for those contracts, meaning that NHS England retains core contract management responsibility;
 - 2.3.2. whilst the ICB is commissioner of the Secondary Care Dental elements of the contract, it does not have any direct contract management role and must work with NHS England as co-ordinating commissioner, raising any contractual issues with NHS England for consideration and any appropriate action;

2.3.3. the ICB must make contractual payments directly to providers for the provision of Secondary Care Dental services to the ICB's Population only (as referred to at paragraph 2.2 above), as required by the terms of those contracts; this may represent only a proportion of the overall payment due to the provider for Secondary Care Dental services delivered more widely under that contract; and

2.3.4. these contracts are expected to expire on 31 March 2023 and the ICB must make appropriate contractual arrangements to ensure continuity of Secondary Care Dental services from 1 April 2023, in accordance with the terms of Schedule 2B of the Delegation Agreement.

2.4. Delegation of commissioning responsibility for the Secondary Care Dental service elements of the relevant NHS Standard Contracts is permitted by clause GC12 of those contracts. NHS England has confirmed these arrangements by letter to each affected provider so that they are aware of the ICB's role as Secondary Care Dental commissioner.

3. General provisions

3.1. Any terms defined in the Delegation Agreement shall have the same meaning in this Contractual Notice.

3.2. This Contractual Notice is given by NHS England pursuant to clause 7.3 of the Delegation Agreement and takes effect as a variation to the Delegation Agreement.

3.3. If there is any conflict between the provisions of this Contractual Notice and the terms of the Delegation Agreement, the provisions of this Contractual Notice shall prevail.

3.4. Except as expressly varied by this Contractual Notice, the Delegation Agreement shall remain in full force and effect.

3.5. As set out in clause 7.1.2 of the Delegation Agreement, the ICB is required to exercise the Delegated Functions in accordance with this Contractual Notice.

Signed for and on behalf of NHS England:

Name:

Position:

Signature: