

Standard General Dental Services Contract Variation Notice



Standard General Dental Services (GDS) Contract Variation Notice

Publishing approval number: PRN02077_iii

Version number: 4.0

First published: April 2006

First updated: July 2018

Revised: May 2026

The text of the General Dental Services Contract Variation Notice May 2025 has been prepared by Hill Dickinson on behalf of NHS England.

It is prepared on the basis that the numbering adopted in the signed contract follows that used in the General Dental Services Contract dated July 2018.

Equalities and health inequalities statement

Promoting equality and addressing health inequalities are at the heart of NHS England's values. Throughout the development of the policies and processes cited in this document, we have:

- given due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality of opportunity, and to foster good relations between people who share a relevant protected characteristic (as cited under the Equality Act 2010) and those who do not share it;
- given regard to the need to reduce inequalities between patients in access to, and outcomes from, healthcare services and in securing that services are provided in an integrated way where this might reduce health inequalities.

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Dear Sir/Madam

Notice of Variation to your General Dental Services Contract dated []

We give you notice under paragraph 60(2) of Schedule 3 to The National Health Service (General Dental Services Agreements) Regulations 2005 (S.I. 2005/3361) that the terms of your General Dental Services Contract dated [] are varied as set out below with effect from *[insert here date on which variations will take effect. Where reasonably practicable this should not be less than 14 days after the date on which this notice is served. This is a regulatory requirement.]*.

These variations are made to comply with:

- National Health Service (Primary Dental Services) (Amendment) Regulations 2023;
- Health and Care Act 2022 (Further Consequential Amendments) (No. 2) Regulations 2023; and
- National Health Service (Primary Dental Services and Dental Charges) (Amendment) Regulations 2024.

These regulations are published on the government website [legislation.gov.uk](https://www.legislation.gov.uk).

For the avoidance of doubt nothing in this notice shall affect accrued rights or liabilities up to the date of the variation.

We request you to acknowledge receipt of this notice by signing and returning the enclosed duplicate of it.

Dated:

Signed:

on behalf of NHS England

Print name:

Wording of Variations

Clause 288

1. In clause 288, after the words "*made in clauses*" **insert** the number "291A,".

Clause 291A

2. Immediately after clause 291.2, **insert** the following new clauses:

"Variation of the Contract: rebasing for persistent under performance

291A.1. In this clause—

"contracted activity" means the number of *units of dental activity* or *units of orthodontic activity* the Contractor is required to provide under the Contract,

"Covid years" means the *financial years* ending on 31st March 2021 and 31st March 2022,

"rebasings" means a permanent variation of the Contract pursuant to sub-clause 291A.2 and *"rebase"* is to be read accordingly,

"rebasings date" means the date, notified by the Commissioner under a *rebasings notice*, from which the *rebasings* takes effect,

"rebasings notice" means a notice in writing sent by the Commissioner to the Contractor, notifying the Contractor of the wording of a proposed *rebasings* and the *rebasings date*,

"relevant financial years" means any three consecutive *financial years*, save for the *Covid years*, which—

291A.1.1. are not before the *financial year* ending on 31st March 2020, and

291A.1.2. immediately precede the *financial year* in which the *rebasings notice* is served on the Contractor.

291A.2. If all the conditions in sub-clause 291A.3. are met, the Commissioner may *rebase* the Contract to—

291A.2.1. reduce the *contracted activity*, and

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291A.2.2. carry out any related variations of the Contract, including in relation to the monies to be paid to the Contractor under the Contract, but the *rebasings* must not result in the *contracted activity* being reduced to less than the highest number of *units of dental or orthodontic activity* provided by the Contractor in any one of the *relevant financial years*.

291A.3 The conditions referred to in sub-clause 291A.2. are—

291A.3.1. in respect of each *relevant financial year*—

291A.3.1.1. The Commissioner invited the Contractor to participate in a mid-year review of its performance under the Contract, pursuant to clause 91.2 (for UDA activity) or clause 132.2 (for UOA activity), whether the Contractor has engaged with this procedure or not,

291A.3.1.2. the Contractor provided less than 96% of *contracted activity*,

291A.3.1.3. there have not been circumstances to which clause 372 applies, which have caused the under delivery pursuant to sub-clause 291A.3.1.2,

291A.3.1.4. The Commissioner issued a breach notice to the Contractor by reason of under delivery pursuant to sub-clause 291A.3.1.2, which has not been set aside, and no formal dispute is pending in respect of the circumstances that have given rise to the breach notice, and

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291A.3.2. The Commissioner has not been able to agree with the Contractor a permanent variation of the Contract under clause 291.

291A.4 If the Commissioner decides to *rebase* the Contract—

291A.4.1. it must serve a *rebasing notice* on the Contractor and allow a minimum of 28 days, starting with the day the *rebasing notice* is served on the Contractor, before taking any action pursuant to that notice, and

291A.4.2. it must specify in the *rebasing notice* a *rebasing date* it considers appropriate, which must be no earlier than 1st April in the *financial year* immediately following the *financial year* in which the *rebasing notice* is served on the Contractor.”.