

Force Majeure / Exceptional Event**Allowable and Non-allowable Circumstances & Required Evidence**

The below information has been taken directly from the Policy book for Primary Dental Services

Neither party shall be responsible to the other for any failure or delay in performance of its obligations and duties under this Contract which is caused by circumstances or events beyond the reasonable control of a party. However, the affected party must in the occurrence of such circumstances or events:

- inform the other party in writing of such circumstances or events and of what obligation or duty they have delayed or prevented being performed.
- take all action within its power to comply with the terms of this Contract as fully and promptly as possible.

Any claims must be submitted using the Force Majeure application form. The application form must be completed in full providing details of the force majeure event, the impact on service delivery, the period over which service was interrupted and the action taken to mitigate the impact of the event. The claim form must be accompanied with supporting evidence in order for the area team to assess and award any relief.

Examples of events that may invoke the force majeure provisions are as follows	Non-allowable circumstances
<p>Death of, Provider or significant performer (or close relative of same).</p> <p>For the purposes of this policy, a close relative is defined as; mother, father, sister, brother, wife, husband, civil partner, daughter, son, grandparent, grandchild, parent-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, step parent, step child, step sister, step brother, foster child, legal guardian, domestic partner or fiancé/fiancée);</p>	<p>Death of, or serious accident to, distant relative or friend of either contractor holder or performer</p>
<p>Flood</p>	<p>Failure to register with CQC, or comply with CQC registration requirements</p>
<p>Serious fire or accidental damage to practice premises rendering building unfit for business</p>	<p>Minor fire or damage to premises</p>
<p>Recruitment difficulties resulting from undue delay on the local office's part (eg admission to the dental performers' list)</p>	<p>Refurbishment of premises</p>
<p>Move to a new premises resulting in operational delays, due to circumstances beyond the contractor's control, eg unforeseen planning controls</p>	<p>Recruitment difficulties</p>
<p>Significant adverse weather for which precautions are not ordinarily taken to avoid or mitigate the impact and which result in damage to the premises which prevent their use over a period of time (minimum three week period), such as following a hurricane.</p>	<p>Holidays and other absence such as paternity/maternity or CPD events for provider</p>
<p>Industrial action which significantly affects the provision of public services or services upon which the party is reliant;</p>	<p>Patient failed to attend (FTAs)</p>
<p>Pandemic disease or circumstances that might otherwise be considered "an act of God";</p>	<p>High-needs patients</p>

War	Failure to understand contractual obligations
Civil war (whether declared or undeclared); Riot or armed conflict;	IT system failure
Radioactive, chemical or biological contamination;	Planned absence of a performer
Pressure waves caused by aircraft or other aerial devices travelling at sonic or supersonic speed	Vocational dental practitioner activity taken into consideration
Acts of terrorism; and/or explosion	Severe weather in the UK, particularly during the winter months when <u>snow and ice</u> may be prevalent for varying periods of time, is considered normal and therefore does not constitute exceptional circumstances
Significant period of absence due to accident or sudden serious ill health of a significant performer.	Planned events; A performer's elective surgery, annual leave, weddings and similar events are occurrences for which prior notification is always required. They are by their nature planned events and it is expected that the contractor will make the necessary provision to ensure the service continues to be delivered in the absence of the relevant performer.
Essential services failure; For example, in the event of a power failure or the water supply being turned off rendering it impossible for the dental services to be provided.	Long term sickness causing some incapacity disability, maternity, paternity or adoption leave of a performer. The term long term "sickness is often applied when the course of the disease lasts for more than four weeks . An example of long term sickness includes but is not limited to, cancer, inflammatory arthritis

	and severe and enduring mental illness.
Pest infestation	

Evidence

Contractors must provide evidence of the force majeure event and the impact that it has had on service provision when they submit their claim at year end.

Examples are as follows:

- copy of a death certificate;
- letter from the treating medical professional, hospital or treatment centre, confirming the diagnosis or condition of the performer in question and the period for which it considers the individual should be absent from work;
- Photographs of damage to premises, dated invoices or estimates for repair, photocopy of day book evidencing the premises closure.
- Written confirmation from a utilities company regarding service being cut off due to the force majeure circumstances.

Following the review of any claim for dental relief, the Commissioner should return any supporting personal information to the contractor or agree to dispose of it appropriately.