

WG 2024 No. 49

**THE NATIONAL HEALTH
SERVICE (WALES) ACT 2006**

**The Local Health Board Medical
Services (Wales) Directions 2024**

Made 02 December 2024

Coming into force 03 December 2024

The Welsh Ministers in exercise of the powers conferred by section 12(3), 41(2)(a) and 203(9) and (10) of the National Health Service (Wales) Act 2006(1), hereby give the following Directions.

PART 1

General

Citation, commencement, extent and interpretation

1.—(1) These directions may be cited as the Local Health Board Medical Services (Wales) Directions 2024.

(2) These Directions come into force on 03 December 2024.

(3) These Directions are given to all Local Health Boards in Wales.

(4) In these Directions—

““2006 Act” (“*Deddf 2006*”) means the National Health Service (Wales) Act 2006;

“the GMS Regulations” (“*y Rheoliadau GMC*”) means the National Health Service (General Medical Services Contracts) (Wales) Regulations 2023(2);

(1) 2006 c. 42.

(2) S.I. 2023/953 (W. 155) amended by S.I. 2023/1421 (W. 250).

“general medical practitioner” (“*ymarferydd meddygol cyffredinol*”) has the same meaning as in regulation 2 of the GMS Regulations⁽¹⁾;

“GP Registrar” (“*Cofrestrydd Ymarfer Cyffredinol*”) has the same meaning as in Section 55 of the Medical Act 1983;

“GP Specialty Registrar” (“*Cofrestrydd Arbenigol Ymarfer Cyffredinol*”) has the same meaning as in regulation 3 of the GMS Regulations⁽²⁾;

“health care professional” (“*proffesiynolyn gofal iechyd*”) has the same meaning as in regulation 3 of the GMS Regulations;

“Local Health Board” (“*Bwrdd Iechyd Lleol*”) unless the context otherwise requires, means the Local Health Board that has established the practice;

“medical officer” (“*swyddog meddygol*”) has the same meaning as in sub-paragraph 92(4) of Schedule 3 to the GMS Regulations;

“Medical Register” (“*Cofrestr Feddygol*”) means the registers kept under section 2 of the Medical Act 1983⁽³⁾;

“out of hours period” (“*cyfnod y tu allan i oriau*”) has the same meaning as in regulation 3 of the GMS Regulations;

“out of hours services” (“*gwasanaethau y tu allan i oriau*”) has the same meaning as in regulation 3 of the GMS Regulations;

“patient” (“*claf*”) except where the context otherwise requires, means—

- (a) a registered patient,
- (b) a temporary resident,
- (c) persons to whom the practice is required to provide immediately necessary treatment [pursuant to direction 3(2)], and
- (d) any other person to whom the practice is to provide treatment to in accordance with the practice statement;

“practice” (“*practis*”) means a practice established by a Local Health Board for the purposes of its provision of primary medical services under section 41(2)(a) of the 2006 Act;

“practice’s list of patients” (“*rhestr practis o gleifion*”) means the list maintained in respect of a practice by the Local Health Board under direction 8;

(1) The definition for “general medical practitioner” was amended by S.I. 2010/234

(2) The definition for “GP Registrar” was amended by S.I. 2010/234

(3) Section 2 was amended by S.I. 2002/3135, S.I. 2006/1914, S.I. 2007/3101, S.I. 2008/1774 and S.I. 2014/1101.

“practice premises” (*“mangre practis”*) means the premises specified in the practice statement;

“practice statement” (*“datganiad practis”*) means the statement prepared pursuant to direction 2;

“prescriber” (*“rhagnodydd”*) has the same meaning as in regulation 3 of the GMS Regulations⁽¹⁾;

“registered patient” (*“claf cofrestredig”*) means a person who is recorded by the Local Health Board as being on the practice’s list of patients or who the practice has accepted for inclusion on its list of patients;

“temporary resident” (*“preswylydd dros dro”*) means a person accepted by a practice as a temporary resident pursuant to the requirements of the practice statement and for whom the practice’s responsibility has not been terminated in accordance with the procedure specified in that statement.

“unified services” (*“gwasanaethau unedig”*) means the services described in regulation 17 of the GMS Regulations (unified services) provided during core hours, or services that are equivalent to those services.

(5) For the purposes of these Directions Schedule 3 to the GMS Regulations is to be read as if—

- (a) references to “contractor” were to “practice”, and
- (b) in paragraph 55(6), the reference to “regulation 21(2)(b)” was to “direction 23 of the Local Health Board Medical Services (Wales) Directions 2024”.

Practice statements

2.—(1) Where a Local Health Board wishes to provide primary medical services pursuant to section 41(2)(a) of the 2006 Act, it must establish one or more practices for this purpose and must in respect of each practice prepare a practice statement which must set out—

- (a) the services to be provided;
- (b) the address of each of the premises to be used for the provision of such services;
- (c) to whom the practice is to provide services, including, where appropriate, by reference to an area within which a person resident would be entitled to receive services from the practice;

(1) The definition of “prescriber” was amended by S.I. 2007/205 (W.19), regulation 4(5)S.I. 2014/2291 (W.226), S.I. 2016/1221 (W.292) and 2019/149 (W.34).

- (d) if the practice is to provide unified services—
 - (i) the procedure (if any) by which a person—
 - (aa) applies for inclusion in;
 - (bb) is accepted for inclusion in;
 - (cc) is refused inclusion in; or
 - (dd) is removed from,

the practice’s list of patients prepared by the Local Health Board in accordance with direction 8, and
 - (ii) the circumstances in which and the procedure (if any) by which—
 - (aa) a patient can be accepted as a temporary resident by the practice; and
 - (bb) responsibility for a patient accepted as a temporary resident can be terminated;
 - (e) the alternative procedure (if any) by which a person can receive primary medical services from the practice, other than as a registered patient or a temporary resident;
 - (f) the circumstances in which and the procedure by which (if any) the Local Health Board may assign patients to the practice;
 - (g) where applicable, the status of the practice’s list of patients, namely whether that list is open or closed to applications from patients for inclusion in its list, and in what circumstances the status of the list may change; and
 - (h) such further details and requirements in relation to the administration and running of the practice as the Local Health Board considers appropriate.
- (2) The Local Health Board must ensure that—
- (a) the practice operates in accordance with the requirements and procedures specified in the practice statement; and
 - (b) the practice statement is amended, as necessary, to reflect any changes to the matters specified in paragraph (1)(a) to (h).
- (3) A practice may, in particular, consist of—
- (a) one or more employees of the Local Health Board;
 - (b) one or more health care professionals providing services to the Local Health Board under a contract for services; or
 - (c) a combination of sub-paragraphs (a) and (b).

PART 2

Provision of Services

Services to patients

- 3.—(1) Where a practice provides unified services, the Local Health Board must ensure that the practice—
- (a) provides those services, and such other services that the practice statement specifies, to the practice's patients, at such times, within core hours, as are specified in regulation 17 of the GMS Regulations; and
 - (b) meets the requirements of regulation 18(2)(a)(i) to (iii) of the GMS Regulations.

Premises

4. The Local Health Board must ensure that the practice premises used for the provision of primary medical services are—
- (a) suitable for the delivery of such services; and
 - (b) sufficient to meet the reasonable needs of the practice's patients.

Provision of services

5. Where a practice provides unified services, the Local Health Board must ensure that the practice complies with—
- (a) the provisions of Schedule 2;
 - (b) the provisions of Part 1 of Schedule 3 to the GMS Regulations;
 - (c) regulations 23, 24 and 25 of the GMS Regulations; and
 - (d) paragraphs 128 and 129 of Schedule 3 to the GMS Regulations.

Standard for out of hours services

6. A practice providing out of hours services must, in the provision of such services, meet the latest standards and quality indicators set out in guidance issued by the Welsh Ministers.

Amendments to the practice statement

7. Where the practice statement is amended pursuant to direction 2(2)(b) and, as a result of that amendment, there is to be a change in the range of services provided to the practice's patients, the Local Health Board must ensure that patients are notified of the amendment in such manner as the Local Health Board or the practice sees fit, either by the Local Health Board or the practice.

PART 3

Patients

Patient lists

8. Where a practice is to provide unified services, the Local Health Board must prepare and keep up to date a list of patients—

- (a) who have been accepted by the practice for inclusion in its list of patients in accordance with requirements that are set out in the practice statement, and who have not subsequently been removed from that list in accordance with the procedure set out in that statement; and
- (b) where applicable, who have been assigned to the practice in accordance with requirements that are specified in the practice statement and whose assignment has not been rescinded in accordance with any procedure specified in that statement.

Patient preference of practitioner

9.—(1) Where a practice provides unified services, the Local Health Board must ensure that the practice records in writing any preference expressed by that person (or, in the case of a child or an adult who lacks capacity, the person who made the application on the applicant's behalf) to receive services from a particular performer, either generally or in relation to a specific condition.

(2) The Local Health Board must ensure that the practice endeavours to comply with any reasonable preference expressed under paragraph (1) but the practice need not do so if the preferred performer—

- (a) has reasonable grounds for refusing to provide services to the patient, or
- (b) does not routinely perform the service in question on behalf of the practice.

PART 4

Prescribing and Dispensing

Prescribing

10. The Local Health Board must ensure that a practice complies with the requirements in Part 5 of Schedule 3 to the GMS Regulations.

PART 5

Persons who perform services

Qualifications of performers

11. The Local Health Board must ensure that a practice complies with the requirements in paragraphs 61, 62, 63, 64, 68, 69 and 74 of Schedule 3 to the GMS Regulations.

Signing of documents

12. The Local Health Board must ensure that a practice complies with the requirements in paragraph 73 of Schedule 3 to the GMS Regulations.

Terms of service for salaried general medical practitioners employed to provide services from a practice

13. Where, on or after 1 March 2006, a Local Health Board offers employment to a general medical practitioner to provide primary medical services in relation to a practice, it must offer that employment on terms which are no less favourable than those contained in the document the “Model terms and conditions of service for a salaried general practitioner employed by a GMS practice” published by the British Medical Association and the NHS Confederation as item 1.2 of the supplementary documents to the GMS contract 2003.

Arrangements for GP Registrars

14.—(1) Velindre University NHS Trust (the Trust) acting through its statutory committee of NHS Wales Shared Services Partnership, must only employ a GP Speciality Registrar in a practice subject to the conditions in paragraph (2).

(2) The conditions referred to in paragraph (1) are that NHS Wales Shared Services Partnership must not, by reason only of having employed or engaged a GP Specialty Registrar, reduce the total number of hours for which other medical practitioners perform primary medical services in the practice or for which other staff assist them in the performance of those services.

(3) NHS Wales Shared Services Partnership which employ a GP Specialty Registrar in a practice must—

- (a) offer that GP Speciality Registrar terms of employment in accordance with the rates and subject to the conditions contained in any guidance given by the Welsh Ministers, and
- (b) take into account, and ensure that the practice takes into account, any guidance issued by the

PART 6

Records, Leaflet, Reports to a medical officer and gifts

Records

15.—(1) The Local Health Board must ensure that the practice keeps adequate records of its attendance on and treatment of patients.

(2) Where the practice provides unified services, and it keeps any of the records referred to in paragraph (1) by way of computerised records, the Local Health Board must ensure that the requirements in subparagraph 78(3)(a), (b) and (c) of Schedule 3 to the GMS Regulations are satisfied.

(3) The Local Health Board must ensure that the practice complies with the requirements in paragraphs 79, 80, 81, 82, 87, 89, 90 and 93 of Schedule 3 to the GMS Regulations.

Confidentiality of patient data

16. The Local Health Board must ensure that each practice has a person responsible for practices and procedures relating to the confidentiality of personal data held by the practice.

Provision of information to patients

17. Where a practice provides unified services, the Local Health Board must ensure that a practice complies with the requirements in paragraph 84 of Schedule 3 to the GMS Regulations, except that the requirements in that paragraph 84 to provide the information specified in Schedule 4 do not include the requirements in paragraphs (b), (c), (bb) and (cc) of Schedule 4 and the reference in that Schedule 4 to paragraph (a) is replaced with “the name of the Local Health Board;”.

Clinical audits

18. The Local Health Board must ensure that a practice complies with the requirements in paragraph 86 of Schedule 3 to the GMS Regulations.

Wales National Workforce Reporting System

19. The Local Health Board must ensure that a practice complies with the requirements in paragraph 88 of Schedule 3 to the GMS Regulations.

Provision of information to a medical officer

20. The Local Health Board must ensure that a practice complies with the requirements in paragraph 92 of Schedule 3 to the GMS Regulations.

Gifts & anti-bribery

21. The Local Health Board must ensure that a practice complies with the requirements in paragraph 132 and 133(1) of Schedule 3 to the GMS Regulations.

Complaints

22. The Local Health Board must ensure that a practice complies with the provisions of Part 9 of Schedule 3 to the GMS Regulations.

PART 7

Fees and Charges

Fees and charges

23. The Local Health Board must ensure that a practice complies with the requirements in regulation 21(2) to (9) of the GMS Regulations.

PART 8

Certificates

Certificates

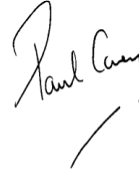
24.—(1) The Local Health Board must ensure that, in the course of providing primary medical services, the practice issues free of charge to a patient or to the patient's personal representatives any medical certificate of a description prescribed in column 1 of Schedule 1 to the GMS Regulations which is relevant to any service that the practice provides pursuant to the practice statement, which is reasonably required under or for the purposes of the enactments specified in relation to the certificate in column 2 of that Schedule, except where, for the condition to which the certificate relates, the patient—

- (a) is being attended by a medical practitioner who is not employed or engaged by the Local Health Board in relation to the practice; or
- (b) is not being treated by or under the supervision of a health care professional.

(2) The exception in paragraph (1)(a) shall not apply in the circumstances provided for in regulation 19(3) of the GMS Regulations.

Revocation

25. The Local Health Board Medical Services Directions 2008 which came into force on 16 September 2008 are revoked.

A handwritten signature in black ink, appearing to read "Paul Casey". The signature is written in a cursive style with a large initial 'P' and a long horizontal stroke at the end.

Signed by Paul Casey, Deputy Director of Primary Care under the authority of the Cabinet Secretary for Health and Social Care, one of the Welsh Ministers

Date: 02 December 2024