

Government Response: The National Health Service (General Medical Services Contracts) (Wales) Regulations 2023

The Welsh Government notes both the Technical and Merits Scrutiny points raised and has provided responses to each point below. In addition to the responses the Welsh Government wishes the Committee to know that an amending S.I. will be introduced at the earliest convenience in order to rectify those points where amendment or further clarification has been raised under the Standing Orders.

Technical Scrutiny point 1:

Noted. An amendment to correct this will be effected at the earliest convenience, to include a definition of the Misuse of Drugs Act 1971 and footnote/s at the appropriate place/s in the Regulations.

Technical Scrutiny point 2:

Noted. An amendment to correct this will be effected at the earliest convenience, as follows:

Regulation 2(a) and Schedule 6 will be amended so reference to the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004 reads "the 2004 Regulations"

Regulation 17(1) will be amended and reference to "general medical services contract" will be replaced with "GMS Contract"

Paragraph 1(2)(a) and (3) of Schedule 2 will be amended so that references to "Public Health Wales NHS Trust" reads "Public Health Wales".

Technical Scrutiny point 3:

Noted. An amendment to correct this will be effected at the earliest convenience, and the section headings will be included after each reference. The heading for the reference to section 105 will also be amended to 'supplementary lists'.

Technical Scrutiny points 4 and 5:

Noted. An amendment to correct this will be effected in the Welsh text at the earliest convenience.

Technical Scrutiny point 6:

Noted. An amendment to correct this will be effected at the earliest convenience. The definition will be amended so to remove "unless the context otherwise requires,".

Technical Scrutiny point 7:

Noted. An amendment to correct this will be effected at the earliest convenience.

Technical Scrutiny point 8:

Noted. An amendment to correct this will be effected at the earliest convenience. Reference will be made in a footnote to the relevant savings provisions which can be found in the 2019 Regulations which apply in specific circumstances.

Technical Scrutiny point 9:

Noted. An amendment to correct this will be effected in the Welsh text at the earliest convenience.

Technical Scrutiny point 10:

Noted. An amendment to correct this will be effected at the earliest convenience. Both 'Health and Care Professions Council Register' and 'General Pharmaceutical Council Register', will be defined in the interpretation (Regulation 3).

Technical Scrutiny point 11:

Noted. An amendment to correct this will be effected at the earliest convenience.

Technical Scrutiny point 12:

Noted. An amendment to correct this will be effected at the earliest convenience, and the correct Order will be referenced in the definition of "physiotherapist independent prescriber".

Technical Scrutiny point 13:

The regulations reflect the agreed policy position and those standards which apply in relation to the GMS Contract in Wales as agreed with GPC Wales.

Technical Scrutiny point 14:

This reflects the position in the NHS (Pharmaceutical Services) (Wales) Regulations 2020.

Technical Scrutiny point 15:

Noted. An amendment to correct this will be effected at the earliest convenience to reference section 25(3).

Technical Scrutiny points 16 ,17 and 18:

Noted. An amendment to correct this will be effected at the earliest convenience.

Technical Scrutiny point 19:

Noted. An amendment to correct this will be effected in the Welsh text at the earliest convenience.

Technical Scrutiny point 20:

This is a policy decision to ensure the provision only includes those criminal offences which attract sentences of a term of imprisonment longer than 6 months (i.e. not summary only offences).

Technical Scrutiny point 21:

The date refers to when the National Health Service (General Medical Services) (Amendment) (Wales) (No. 2) Regulations 2002 came into force and when the particular provision took effect.

Technical Scrutiny point 22:

The date reflects the coming into force of the NHS (General Medical Services Contracts) (Wales) Regulations 2004.

Technical Scrutiny point 23:

Noted. An amendment to correct this will be effected at the earliest convenience.

Technical Scrutiny points 24, 25, 26 and 27:

Noted. An amendment to correct this will be effected in the Welsh Text at the earliest convenience.

Technical Scrutiny point 28:

Noted. An amendment to correct this will be effected in the English Text at the earliest convenience.

Technical Scrutiny point 29:

Noted. An amendment to correct this will be effected at the earliest convenience.

Technical Scrutiny point 30:

Noted. An amendment to correct this will be effected at the earliest convenience, "services" will be amended to "primary medical services".

Technical Scrutiny points 31, 32 and 33:

Noted. An amendment to correct this will be effected in the Welsh Text at the earliest convenience.

Technical Scrutiny point 34:

Noted. An amendment to correct this will be effected at the earliest convenience.

Technical Scrutiny point 35:

This provision is self-explanatory, the go live date will be the date on which the EPS system is live for the particular contractor. There will not be one uniform go live date for every contractor so further explanation is not necessary.

Technical Scrutiny points 36, 37 and 38:

Noted. An amendment to correct this will be effected at the earliest convenience.

Technical Scrutiny point 39:

Noted. An amendment to correct this will be effected in the Welsh Text at the earliest convenience.

Technical Scrutiny points 40, 41 and 42:

Noted. An amendment to correct this will be effected at the earliest convenience.

Technical Scrutiny point 43:

These are known specific components of the system of governance to those who will be using this provision of the Regulations. No further explanation is required.

Technical Scrutiny point 44:

Noted. An amendment to correct this will be effected at the earliest convenience.

Technical Scrutiny point 45:

This is a known set of standards and guidance within the profession and is clear. No further explanation is required.

Technical Scrutiny points 46, 47 and 48:

Noted. An amendment to correct this will be effected at the earliest convenience.

Technical Scrutiny point 49:

The number "6" only appears on its own once in the definition and therefore is considered to be clear. Were the intention to replace the number "2006" that would have been used.

Technical Scrutiny point 50:

The NHS (Pharmaceutical Services) (Wales) Regulations are a 2020 set of Regulations rather than "2002". They are incorrectly defined as and referred to as "the 2002 Regulations" in the subsequent points of this report. An amendment to correct the reference to paragraph 53 will effected at the earliest convenience.

Technical Scrutiny point 51:

Noted. An amendment to omit the reference to paragraph 61 will be effected at the earliest convenience.

Technical Scrutiny point 52:

Noted, the incorrect paragraph reference will be amended. It is intentional to refer to the whole rather than the subsection however.

Technical Scrutiny point 53:

Noted. An amendment to omit the reference to paragraph 61 will be effected at the earliest convenience.

Merit Scrutiny point 54:

Noted. This will be amended at the earliest opportunity.

Merit Scrutiny point 55:

Noted. These errors will be corrected when the regulations are amended at the earliest opportunity.