



Ein cyf/Our ref MA/VG/5935/19

Dr Dai Lloyd AM
Chair, Health, Social Care and Sports Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

7 January 2020

Dear Dai,

Health, Social Care and Sport Committee: NHS (Indemnities) (Wales) Bill Stage 2 Proceedings

I refer to the NHS (Indemnities) (Wales) Bill which completed Stage 2 proceedings on the 11 December.

The proposed amendment, put forward by Angela Burns to prepare and publish a report on the effect of Act was discussed. Following discussions and commitments I made in relation to reporting on the operational impact of the scheme (outlined below for ease of reference) Angela Burns withdrew the amendment.

I outlined that the proposed amendment, as drafted, would focus solely on the Existing Liability Scheme, however the Future Liability Scheme was already in place which does not have a reporting requirement. Further, I outlined that a Welsh Government report would not provide the wider view for Committee to scrutinise the impact of the scheme. I also outlined that a report on the technical operation of the state backed scheme (to cover the Future Liability Scheme and the Existing Liability Scheme) could be made at the end of each year, for the first couple of years whilst the scheme beds in and that it would be for the Committee to decide whether to undertake a broader scrutiny exercise and to invite witnesses to inform this scrutiny.

Accordingly, the following reporting arrangements will be put in place. From April 2021, an annual report will be submitted to the relevant Assembly Committee. The report will cover the technical operation of the FLS and the ELS and will be informed by GPs and other key stakeholders, medical defence organisations, NHS Wales and NHS Wales Shared Services Partnership - Legal and Risk Services, who operate the Future Liability Scheme and will take over claims handling of the Existing Liability Scheme in line with ELS arrangements between Welsh Government and medical defence organisations. The annual report will also outline the ELS arrangements agreed between Welsh Government and medical defence organisations and the way in which the scheme has been operationalised together with a financial impact of the ELS arrangements, subject to adhering to confidentiality agreements.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

The revised Explanatory Memorandum and Regulatory Impact Assessment has been laid before the Assembly today. I have written to the Chair of the Finance Committee outlining the changes made to the Explanatory Memorandum and Regulatory Impact Assessment in response to their Stage 1 report. You will wish to note the revisions to the post implementation section of the Regulatory Impact Assessment at para 4.18 to highlight the intention to produce the reports I have outlined above.

Yours sincerely,

A handwritten signature in black ink that reads "Vaughan Gething". The signature is written in a cursive, flowing style.

Vaughan Gething AC/AM

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services