

2020 No. WG20-18

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

The Primary Medical Services
(Easter Weekend and Bank Holiday
Provision of Essential General
Medical Services during the
COVID-19 Pandemic) (Directed
Enhanced Service) Directions 2020

Made 07 April 2020

Coming into force 08 April 2020

The Welsh Ministers, in exercise of the powers conferred by sections 12(3), 45 and 203(9) and (10) of the National Health Service (Wales) Act 2006⁽¹⁾, and after consulting in accordance with section 45(4) of that Act with the bodies appearing to them to be representative of persons to whose remuneration these Directions relate, give the following Directions.

Title, commencement and application

1.—(1) The title of these Directions is the Primary Medical Services (Easter Weekend and Bank Holiday Provision of Essential General Medical Services during the COVID-19 Pandemic) (Directed Enhanced Service) Directions 2020.

(2) These Directions come into force on 08 April 2020 and expire on 1 October 2020.

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

Interpretation

2. In these Directions—

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

(1) 2006 c.42.

“Bank Holiday” (“”) means a day specified in paragraph 15 of the Specification for the Easter Weekend and Bank Holiday provision of Essential General Medical Services during the COVID-19 Pandemic in Schedule 1;

“Easter weekend” means a day specified in paragraphs 13 or 14 of the Specification for the Easter Weekend and Bank Holiday provision of Essential General Medical Services during the COVID-19 Pandemic in Schedule 1;

“engaged GMS contractor” (“contractwr GMC sydd wedi ei gymryd ymlaen”) means a GMS contractor that agrees with a Local Health Board to provide this Directed Enhanced Service pursuant to an agreement made in accordance with paragraph 4(1);

“essential general medical services” (“”) means the services that must be provided under a general medical services contract in accordance with regulation 15 of the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004(1);

“financial year” (“*blwyddyn ariannol*”) means the period from 1 April to 31 March in any year;

“general medical services contract” (“contract gwasanaethau meddygol cyffredinol”) means a contract for general medical services between a GMS contractor and a Local Health Board made pursuant to section 42 of the Act;

“GMS contractor” (“contractwr GMC”) means a person with whom a Local Health Board is entering or has entered into a general medical services contract;

“health care professional” (“proffesiynolyn gofal iechyd”) means a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002(2);

“Local Health Board” (“*Bwrdd Iechyd Lleol*”) means a Local Health Board established in accordance with section 11(2) of the 2006 Act;

“registered patient” (“claf cofrestredig”) has the meaning given to it in regulation 2(1) of the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004;

“Specification for the Easter Weekend and Bank Holiday provision of Essential General Medical Services during the COVID-19 Pandemic” (“”) means the Specification for the Easter Weekend and Bank Holiday provision of Essential General

(1) S.I. 2004/478 (W. 48).

(2) 2002 c. 17.

Medical Services during the COVID-19 Pandemic at Schedule 1 to these Directions;

“Statement of Financial Entitlements” (“Datganiad ar Hawlogaethau Ariannol”) means any directions given by the Welsh Ministers pursuant to section 45 of the Act in relation to payments to be made by a Local Health Board to a GMS contractor.

Establishment of a Scheme to secure Easter Weekend and Bank Holiday provision of Essential General Medical Services during the COVID-19 Pandemic

3.—(1) Each Local Health Board is required under section 41 of the 2006 Act (primary medical services) to exercise its functions so as to provide, or secure the provision of, primary medical services within its area.

(2) As part of its discharge of its functions under section 41 of the 2006 Act each Local Health Board must establish (if it has not already done so), operate and, as appropriate revise, a scheme to secure Easter weekend and Bank Holiday provision of Essential General Medical Services during the COVID-19 pandemic.

(3) The underlying purpose of the scheme to secure Easter weekend and Bank Holiday provision of Essential General Medical Services during the COVID-19 Pandemic is to—

- (a) ensure provision of essential general medical services for patients requesting a consultation during specified hours of the Easter weekend and a Bank Holiday, and
- (b) mitigate the inevitable demand on emergency departments and GP Out of Hours services at a time when hospitals will be operating at capacity dealing with the COVID-19 pandemic.

Scheme to secure Easter weekend and Bank Holiday provision of Essential General Medical Services during the COVID-19 Pandemic

4.—(1) As part of its Scheme to secure Easter weekend and Bank Holiday provision of Essential General Medical Services during the COVID-19 Pandemic, each Local Health Board must offer to enter into arrangements for the provision of services in accordance with the Specification for the Easter Weekend and Bank Holiday provision of Essential General Medical Services during the COVID-19 Pandemic with each GMS contractor, in relation to the registered patients of that GMS contractor.

(2) Where the patients of a GMS contractor will not receive the services outlined in this Directed Enhanced Service from the GMS contractor in relation to whom

they are registered patients, the Local Health Board may make arrangements to ensure the provision of treatment to the registered patients of that GMS contractor as close to the practice premises of that GMS contractor as is reasonably practicable and the Local Health Board may deliver the services under this Directed Enhanced Service to those patients in any way it believes is appropriate (including, but not limited to, by providing the services itself or arranging for the delivery of those services by any engaged GMS contractor).

(3) Each engaged GMS contractor must complete, by such date as the Local Health Board requires, a plan setting out the arrangement for the delivery of this Directed Enhanced Service to patients of the engaged GMS contractor.

(4) Where arrangements are made between the Local Health Board and a GMS contractor pursuant to paragraph (1), those arrangements must, in respect of each financial year (or part of a year) to which they relate, include—

- (a) a requirement that the GMS contractor—
 - (i) reads and takes account of these Directions alongside complying with the Specification for the Easter Weekend and Bank Holiday provision of Essential General Medical Services during the COVID-19 Pandemic which together provide the detailed requirements for this Directed Enhanced Service;
 - (ii) provides the services outlined in the Specification for the Easter Weekend and Bank Holiday provision of Essential General Medical Services during the COVID-19 Pandemic and in line with the plan specified in paragraph (3) above;
 - (iii) provides data, subject to sub-paragraph (iv), to its Local Health Board and the Welsh Government, when required, to inform the days and times on which the GMS contractor will be offering this Directed Enhanced Service;
 - (iv) ensures consistent coding for capture of data and compliance with relevant information governance legislation;
 - (v) ensures that each healthcare professional undertaking this Directed Enhanced Service has the necessary skills, training, competence and experience in order to provide the services;
 - (vi) ensures that each health care professional undertaking this Directed Enhanced Service is adequately indemnified or

insured for any liability arising from the work performed;

(vii) supplies its Local Health Board with such information as the Local Health Board may reasonably request for the purposes of monitoring the engaged GMS contractor's performance of its obligations under this Directed Enhanced Service, in relation to the plan specified in paragraph (3), and

(b) payment arrangements for an engaged GMS contractor, which must provide for it to be able to claim—

(i) a payment of £275 for every 1000 patients list size per day, for each full day during which the GMS contractor provides this Directed Enhanced Service;

(ii) a payment of £150 for every 1000 patients list size per day for each half day during which the GMS contractor provides this Directed Enhanced Service;

and after the payments are due, as above, and authorised by the Local Health Board, such payments will then be paid on the date the GMS contractor's Global Sum monthly payment next falls due in accordance with the Statement of Financial Entitlements.

(5) The Local Health Board must, where necessary, vary the GMS contractor's general medical services contract so that the arrangements made pursuant to paragraph (1) comprise part of the GMS contractor's contract and the requirements of the arrangements are conditions of the contract.

(6) Any disputes arising as a result of provision of this Directed Enhanced Service will be dealt with in accordance with Part 7 of Schedule 6 to the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004(1).

(7) Where the Local Health Board delivers this Directed Enhanced Service pursuant to an arrangement in accordance with paragraph 4(2), the Local Health Board shall ensure that paragraphs 4(4) and 4(5) apply to such arrangements as they would to an engaged GMS contractor.



(1) S.I. 2004/488 (W. 48).

Signed by Alex Slade, Deputy Director, Primary Care
Division under the authority of the Minister for Health
and Social Services, one of the Welsh Ministers

Date: 07 April 2020

SCHEDULE 1

Specification for the Easter Weekend and Bank Holiday provision of Essential General Medical Services during the COVID-19 Pandemic

Introduction

1. This specification sets out the requirements of the Directed Enhanced Service for the Easter weekend and Bank Holiday provision of essential General Medical Services (GMS) during the COVID-19 pandemic.

2. Health Boards by Direction must offer practices the opportunity to participate in this Enhanced Service on Good Friday and Easter Bank Holiday Monday. In addition, Health Boards may offer practices the opportunity to participate in this Enhanced Service on the Saturday or Sunday of the Easter weekend and on the Bank Holiday Mondays in May and August.

3. During the COVID-19 pandemic, when the population is acting on lockdown advice, or pursuant to emergency legislation, to stay at home, including school closures, there may be an increased demand on GMS contractors whilst there is also a reduced capacity in the provision of essential GMS, both in and out of hours services.

4. The purpose of this Enhanced Service is to cover the provision of essential GMS to patients requesting a consultation during specific hours of the Easter weekend and a Bank Holiday. This will mitigate the inevitable demand on emergency departments and GP Out of Hours services at a time when hospitals will be operating at capacity dealing with the COVID-19 pandemic.

5. This Enhanced Service enables GMS contractors to provide essential GMS at times and on days outside of the core hours of their GMS contract.

Eligibility

6. All GMS contractors who participate in this Enhanced Service and meet the requirements set out in this Specification will be eligible for payment.

7. Any patient who is eligible to receive essential GMS services, including temporary residents, will be able to access a GMS contractor during the operation of the Enhanced Service.

8. This Enhanced Service supports GMS contractors to provide *essential* GMS but not *additional* services.

9. GMS contractors must adopt a total triage model according to the current Welsh Government advice at the time of the provision of this Enhanced Service, so that face-to-face consultations (in surgery, at a home visit or at a cluster hub venue) occur only after a telephone or video or online consultation. This will reduce the risk of inappropriate access of GMS contractor premises by infected patients and thus protect GPs, their staff and patients.

10. GMS contractors must not agree to provide this Enhanced Service and then consequently disengage from Covid-19 cluster initiatives that they had previously agreed to participate in.

11. GMS contractors must ensure doctors honour any pre-existing agreements or commitments to the GP Out of Hours service. Any doctor engaged to provide this Enhanced Service must not be to the detriment to the functioning and capacity of the GP Out of Hours service.

Delivery

12. This Enhanced Service must be provided from main surgery sites. If a GMS contractor normally provides GP clinical services at branch surgeries 5 days a week, the GMS contractor may provide this Enhanced Service from a branch surgery site, but only if the main surgery site is also providing the Enhanced Service.

13. The Local Health Board must offer GMS contractors the opportunity to provide this Enhanced Service for essential GMS during the following opening periods of the Easter Bank Holiday weekend—

- (a) Good Friday, 10 April 2020 - 8:00 to 18:30 (10.5 hours), and
- (b) Easter Bank Holiday Monday, 13 April 2020 - 8:00 to 18:30 (10.5 hours).

14. The Local Health Board may offer GMS contractors the opportunity to provide this Enhanced Service for essential GMS during the following opening periods of the Easter Bank Holiday weekend—

- (a) Easter Saturday, 11 April 2020 - 8:00 to 13:15 (5.25 hours), and
- (b) Easter Sunday, 12 April 2020 - 8:00 to 13:15 (5.25 hours).

15. The Local Health Board may offer GMS contractors the opportunity to provide this Enhanced Service for essential GMS during the following opening periods of the following Bank Holidays—

- (a) May Bank Holiday Friday, 8 May 2020 - 8:00 to 18:30 (10.5 hours),
- (b) Spring Bank Holiday Monday, 25 May 2020 - 8:00 to 18:30 (10.5 hours), and
- (c) Summer Bank Holiday Monday 31 August 2020 - 8:00 to 18:30 (10.5 hours).

16. The GMS contractor must take calls directly from its registered patients and is prohibited from diverting calls to NHS Direct Wales 111 during the hours the Enhanced Service is in operation.

17. The GMS contractor must use a total triage model to screen all requests for face-to-face consultations.

18. The GMS contractor must be able to offer face-to-face consultations in the main or branch surgery premises in the circumstances outlined in paragraph 12.

19. Where the GMS contractor uses a multi-disciplinary primary care team, appropriate staffing levels must be in place to ensure face-to-face consultations can be with any appropriate professional, not necessarily with a GP.

20. The GMS contractor is responsible for ensuring appropriate staffing to meet patient need and must have at least one GP on the premises at all times during the hours which the surgery premises are open and providing this Enhanced Service, unless it is necessary for all GPs on the premises to undertake home visits for previously triaged patients.

21. The GMS contractor may use a multi-disciplinary team to support any GP on the premises. Any member of the multi-disciplinary support team may work remotely and provide telephone or video consultations.

22. The GMS contractor must not engage locum GPs to specifically deliver this Enhanced Service.

23. The GMS contractor must ensure there are two reception staff on the surgery premises at all times during the hours which the surgery premises are open and operating this Enhanced Service.

24. The GMS contractor must consider how a chaperone would be provided if required in a consultation.

Payment

25. A GMS contractor opting to provide this Enhanced Service will be eligible for the following payments—

- (a) £275 for every 1000 patients list size per day for each full day on the Bank Holidays specified in paragraphs 13 and 15, and
- (b) £150 for every 1000 patients list size per day for each half day on the Saturday and Sunday specified in paragraph 14.