

**2020 No. WG20 - 63**

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

The Primary Medical Services  
(Provision of Essential General  
Medical Services over the  
Christmas and New Year Period  
during the COVID-19 Pandemic)  
(Directed Enhanced Service)  
Directions 2020

*Made* 26 November 2020

*Coming into force* 27 November 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<sup>(1)</sup>, 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 (Provision of Essential General Medical Services over the Christmas and New Year Period during the COVID-19 Pandemic) (Directed Enhanced Service) Directions 2020.

(2) These Directions come into force on 27 November 2020 and expire on 31 January 2021.

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

**Interpretation**

**2.**—(1) In these Directions—

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(1) 2006 c. 42.

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

“Christmas and New Year period” (“*cyfnod y Nadolig a’r Flwyddyn Newydd*”) means the days specified in paragraphs 13 and 14 of the Specification for the provision of essential GMS over the Christmas and New Year period;

“cluster” (“*clwstwr*”) means a group of local service providers involved in health and care who have agreed to collaboratively work together to deliver primary medical services across a specified geographical area;

“cluster lead practice” (“*practis arweiniol y clwstwr*”) means a GMS contractor that has agreed to provide this Directed Enhanced Service to its registered patients, and to the registered patients of a GMS contractor in its cluster that is not an engaged GMS contractor, and which the Local Health Board agrees will be a cluster lead practice;

“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) or (2);

“essential general medical services” (“*gwasanaethau meddygol cyffredinol hanfodol*”) 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 a year ending with 31 March;

“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;

“GP” (“*ymarferydd cyffredinol*”) means a medical practitioner whose name is included in a medical performers list prepared by a Local Health Board under regulation 3 of the National Health Service (Performers Lists) (Wales) Regulations 2004(2);

“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

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

(2) S.I. 2004/1020 (W. 117).

profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002<sup>(1)</sup>;

“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 provision of essential GMS over the Christmas and New Year period” (*“y Fanyleb ar gyfer darparu GMC hanfodol dros gyfnod y Nadolig a’r Flwyddyn Newydd”*) means the Specification for the provision of Essential General Medical Services over the Christmas and New Year period during the COVID-19 Pandemic at the Schedule 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 provision of Essential General Medical Services over the Christmas and New Year period 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 provision of Essential General Medical Services over the Christmas and New Year period during the COVID-19 pandemic.

(3) The underlying purpose of the scheme to secure provision of Essential General Medical Services over the Christmas and New Year period during the COVID-19 Pandemic is to—

- (a) ensure provision of essential general medical services for patients requesting advice, a consultation or other essential service during specified hours of the Christmas and New Year period, and
- (b) help spread patient demand that general practice will face in the days following

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(1) 2002 c. 17.

Christmas and 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 provision of Essential General Medical Services over the Christmas and New Year period during the Covid-19 pandemic**

4.—(1) As part of its Scheme to secure provision of Essential General Medical Services over the Christmas and New Year period 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 provision of essential GMS over the Christmas and New Year period with—

- (a) each GMS contractor, in relation to the registered patients of that GMS contractor, and then
- (b) either—
  - (i) one or more cluster lead practices, in relation to the registered patients of the cluster lead practice and of those GMS contractors, if any, in its cluster that have not agreed, within such time period as the Local Health Board requires, to deliver this Directed Enhanced Service to their registered patients pursuant to paragraph 4(1)(a) above, or
  - (ii) a GMS contractor that has agreed to deliver this Directed Enhanced Service pursuant to paragraph (a) in relation to the registered patients of another GMS contractor or group of GMS contractors, subject to the agreement of the other GMS contractor or group of GMS contractors.

(2) Where the patients of a GMS contractor will not receive the services outlined in this Directed Enhanced Service from the GMS contractor, or from a cluster lead practice, 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) Where arrangements are made between a cluster lead practice and a Local Health Board in accordance

with paragraph (1)(b), each engaged GMS contractor must co-operate<sup>(1)</sup> with the other engaged GMS contractors and the cluster lead practice in its cluster in order for the cluster lead practice to 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 registered patients of the engaged GMS contractors across the cluster. Where there is only one engaged GMS contractor, and it is the cluster lead practice, it shall be responsible for completing that plan. Where there is no cluster lead practice, and all of the GMS contractors in the cluster are engaged GMS contractors, they shall all be responsible for completing that plan.

(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 provision of essential GMS over the Christmas and New Year period which together provide the detailed requirements for this Directed Enhanced Service;
  - (ii) provides the services outlined in the Specification for the provision of essential GMS over the Christmas and New Year period and in line with the plan specified in paragraph (3) above;
  - (iii) provides data, subject to sub-paragraph (iv), to the cluster lead practice of a cluster (where applicable), 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 health care 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

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<sup>(1)</sup> See paragraph 12 of Part 1 of Schedule 6 to the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004 (S.I. 2004/478 W. 48).

- 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 each full day during which the GMS contractor provides this Directed Enhanced Service in accordance with paragraph 26(1)(a) of the Specification for the provision of essential GMS over the Christmas and New Year period;
  - (ii) a payment of £150 for each half day during which the GMS contractor provides this Directed Enhanced Service in accordance with paragraph 26(1)(b) of the Specification for the provision of essential GMS over the Christmas and New Year period;
  - (iii) a payment of £165 for each full day during which the GMS contractor provides this Directed Enhanced Service in accordance with paragraph 26(2)(a) of the Specification for the provision of essential GMS over the Christmas and New Year period;
  - (iv) a payment of £85 for each half day during which the GMS contractor provides this Directed Enhanced Service in accordance with paragraph 26(2)(b) of the Specification for the provision of essential GMS over the Christmas and New Year period;
  - (v) a payment of £165 for each full day during which the GMS contractor provides this Directed Enhanced Service in accordance with paragraph 27(a) of the Specification for the provision of essential GMS over the Christmas and New Year period; and
  - (vi) a payment of £85 for each half day during which the GMS contractor provides this Directed Enhanced Service in accordance with paragraph 27(b) of the Specification for the provision of


essential GMS over the Christmas and New Year period,

and after any such payment is due and authorised by the Local Health Board, such payments must be paid on the date the GMS contractor's Global Sum monthly payment 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.



A handwritten signature in black ink, appearing to read 'Alex Slade', is written over a horizontal line. The signature is stylized and cursive.

**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: 26 November 2020

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

## SCHEDULE

### Specification for the provision of Essential General Medical Services over the Christmas and New Year period during the COVID-19 Pandemic

#### **Introduction**

1. This specification sets out the requirements of the Directed Enhanced Service on the bank holidays and weekends of the Christmas and New Year period specified in paragraphs 13 and 14, in order to bolster Local Health Board (LHB) provision of essential General Medical Services (GMS) during the COVID-19 pandemic.

2. LHBs by Direction must offer practices the opportunity to participate in this Enhanced Service on the 28 December 2020. In addition, LHBs are directed to consider their arrangements for urgent primary care and may offer practices the opportunity to participate in this Enhanced Service on 26 and 27 December 2020 and 1, 2 and 3 January 2021.

3. The purpose of this Enhanced Service is to cover the provision of essential GMS to patients requesting advice, a consultation or other essential service, during specific daytime hours on the dates specified in paragraph 2 over the Christmas and New Year periods. This will help spread patient demand that general practice will face in the days following Christmas and 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.

4. Delivery of this Enhanced Service can be through a patient's own GP practice, or through a single GP practice on behalf of another practice or group of practices, whether as an engaged GMS contractor or a cluster lead practice.

#### **Eligibility**

5. All GMS contractors who participate in this Enhanced Service and meet the requirements set out in this specification are eligible for payment.

6. 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.



7. This Enhanced Service supports GMS contractors to provide essential general medical services but not additional services.

8. 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 or at a home visit) occur only after an initial telephone, video or online consultation.

9. 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.

10. A GMS contractor must notify the LHB that it wishes to participate in this Enhanced Service and the days on which it will offer the service.

11. A GMS contractor planning to deliver services on behalf of another practice or group of practices (whether as an engaged GMS contractor or cluster lead practice), must submit plans that are acceptable to the LHB, to include details of the clinical staff that will be available to serve the needs of the population covered and the clinical governance arrangements for providing care to patients not registered with the engaged GMS contractor or cluster lead practice.

### **Delivery**

12. If a GMS contractor provides this Enhanced Service in accordance with paragraph 15(a)—

- (a) services must be provided from main surgery sites, and
- (b) if the 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 LHB must offer GMS contractors the opportunity to provide this Enhanced Service for essential general medical services on Bank Holiday Monday, 28 December 2020, between the hours of 08:00 and 18:30 (10.5 hours).

14. The LHB may offer GMS contractors the opportunity to provide this Enhanced Service for essential general medical services on—

- (a) Boxing Day, Saturday 26 December 2020, between the hours of 8:00 and 13:15 (5.25 hours),

- (b) Sunday, 27 December 2020, between the hours of 8:00 and 13:15 (5.25 hours),
- (c) New Year's Day, Friday 1 January 2021, between the hours of 8:00 and 13:15 (5.25 hours),
- (d) Saturday, 2 January 2021, between the hours of 8:00 and 13:15 (5.25 hours), and
- (e) Sunday, 3 January 2021, between the hours of 8:00 and 13:15 (5.25 hours).

**15.** The GMS contractor may deliver this Enhanced Service either by—

- (a) opening the main practice surgery with GP clinical triage, telephone and video consultation, face to face patient consultation as clinically necessary and with appropriate practice staffing, including a receptionist, or
- (b) remote GP clinical triage, telephone and video consultation and, where appropriate, face to face patient consultation as clinically necessary, which may be arranged for a period later in the day at a practice premises site.

**16.** A GMS contractor who agrees to participate in the Enhanced Service must notify the LHB which option under paragraph 15 that GMS contractor will use to deliver the Enhanced Service, the staffing levels it will implement to provide the service and how it plans to make patients aware of the service.

**17.** The GMS contractor must take calls directly from its registered patients and, where applicable, the registered patients of another GMS contractor, group of GMS contractors or engaged GMS contractors across a cluster, and the GMS contractor is prohibited from diverting calls to NHS Direct Wales 111 during the hours the Enhanced Service is in operation.

**18.** The contractor must accept calls from registered patients and, where applicable, the registered patients of another GMS contractor, group of GMS contractors or engaged GMS contractors across a cluster who inappropriately call Out of Hours or NHS Direct Wales 111 during the hours of operation of the Enhanced Service and must engage with GP Out of Hours and NHS Direct Wales 111 services prior to and during delivery of the Enhanced Service.

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

**20.** The GMS contractor delivering the Enhanced Service must be able to receive calls from—

- (a) paramedics who have attended but not conveyed patients and who they believe require GP assessment,
- (b) WAST/999 to discuss patients who are deemed category C and suitable for GP triage/care,
- (c) community pharmacies seeking medical advice regarding registered patients or, where applicable, registered patients of the engaged GMS contractors across the cluster,
- (d) hospital labs with urgent lab results requiring attention,
- (e) nursing homes for patients needing care that cannot wait until the GP surgery is routinely open, and
- (f) community nursing teams, for example for palliative care advice.

**21.** 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.

**22.** A GMS contractor who delivers this Enhanced Service in accordance with paragraph 15(a) 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.

**23.** 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.

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

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

### **Payment**

**26.—(1)** A GMS contractor providing this Enhanced Service in accordance with paragraph 15(a) is eligible for the following payments—

- (a) £275 for every 1000 patients on the practice registered patient list for the full day specified in paragraph 13, and

- (b) £150 for every 1000 patients on the practice registered patient list for each half day specified in paragraph 14.

(2) A GMS contractor providing this Enhanced Service in accordance with paragraph 15(b) is eligible for the following payments—

- (a) £165 for every 1000 patients on the practice registered patient list for the full day specified in paragraph 13, and
- (b) £85 for every 1000 patients on the practice registered patient list for each half day specified in paragraph 14.

**27.** A GMS contractor who has had a plan submitted in accordance with paragraph 11 accepted by the LHB and provides this Enhanced Service in accordance with paragraph 15(a) or (b) to patients that are not registered with that GMS contractor and are not accessing services as a temporary resident, will be eligible for the following payments—

- (a) £165 for every 1000 patients on the registered patient list of the other practice or group of practices included in the plan accepted by the LHB, for the full day specified in paragraph 13, and
- (b) £85 for every 1000 patients on the registered patient list of the other practice or group of practices included in the plan accepted by the LHB, for each half day specified in paragraph 14.