

## WG24-02

# THE NATIONAL HEALTH SERVICE (WALES) ACT 2006

## The National Health Service (Wales Eye Care Services) (Wales) Directions 2024

*Made* 5 January 2024

*Coming into force* 5 January 2024

The Welsh Ministers give the following Directions in exercise of the powers conferred on them by section 12(1)(b) and (3), 203(9) and (10) and 204(1) of the National Health Service (Wales) Act 2006<sup>(1)</sup>.

### **Title, coming into force and application**

**1.**—(1) The title of these Directions is the National Health Service (Wales Eye Care Services) (Wales) Directions 2024.

(2) These Directions come into force on 5 January 2024.

(3) These Directions are given to Local Health Boards and apply in relation to Wales.

### **Amendment of the Eye Health Examination Service Committee (Wales) Directions 2016**

**2.**—(1) The Eye Health Examination Service Committee (Wales) Directions 2016<sup>(2)</sup> are amended as follows.

(2) In paragraph 1.1 of Schedule 1 (interpretation), at the appropriate places insert—

““2023 Regulations” means the National Health Service (Ophthalmic Services) (Wales) Regulations 2023<sup>(3)</sup>”;

---

(1) 2006 c. 42.

(2) S.I. 2016/10 as amended by WG20-44, WG21-11 (now expired) and WG23-47.

(3) S.I. 2023/1053 (W.179).

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

““the administrative list” means the administrative list prepared and published by a Local Health Board in accordance with the Wales Eye Care Services (Administrative List) (Wales) Directions 2024(1);”;

““arranging practitioner” means—

- (a) a corporate optician,
- (b) an optometrist,
- (c) an ophthalmic medical practitioner,

who is entering into or has entered into an arrangement with the Local Health Board to provide any of the Enhanced Optometry Services;” ;

““corporate optician” has the meaning given in regulation 2 the 2023 Regulations;”;

““data protection legislation” has the meaning given in section 3 of the Data Protection Act 2018(2) (terms relating to the processing of personal data);”;

““director” means—

- (a) a director of a body corporate,
- (b) a member of a body of persons controlling a body corporate (whether or not a limited liability partnership);”;

““equivalent body” has the meaning given in regulation 2 of the 2023 Regulations;”;

““equivalent list” means a list kept by an equivalent body which is equivalent to a primary care list;”;

““mobile services” means any of the Enhanced Optometry Services provided at a place other than a registered premises;”;

““ophthalmic medical practitioner” has the meaning given in regulation 2 of the 2023 Regulations;”.

““optometrist” has the meaning given in regulation 2 of the 2023 Regulations;”;

““originating events” means the events that gave rise to the suspension, refusal to admit, conditional inclusion, removal or contingent removal that took place;”;

““Pre-employment Checks Standards” means the pre-appointment checks that an employer must undertake as part of their recruitment process before recruiting staff which must at least include

---

(1) WG24-01.  
(2) 2018 (c.12); the definition in section 3 was amended by S.I. 2019/419.

the following elements of the NHS Employment Checks Standards published by the NHS Confederation—

- (a) identity checks standard,
- (b) right to work checks standard,
- (c) professional registration and qualification checks standard,
- (d) reference checks standard, and
- (e) criminal record checks standard;”;

““primary care list” means a list referred to in section 115(1)(a) to (d) of the Act;”;

““professional registration number” means the number against the arranging practitioner or accredited practitioner’s name in the register;”;

““the register” means—

- (a) in relation to an ophthalmic medical practitioner, a register maintained by the General Medical Council under the Medical Act 1983(1), or
- (b) in relation to an arranging practitioner other than an ophthalmic medical practitioner, a register maintained by the General Optical Council under the Opticians Act 1989(2);”;

““registered premises” means an address in relation to an arranging practitioner provided in accordance with paragraph 2.1C(d);”.

(3) In paragraph 2 of Schedule 1 (funding arrangements)—

- (a) after “for clients within their locality” insert “and for ensuring that arranging practitioners are suitably qualified and competent, with appropriate safeguards in place, in the provision of the Enhanced Optometry Services”;

(b) after paragraph 2.1 insert—

**“2.1A** In arranging the provision of the Enhanced Optometry Services in accordance with paragraph 2.1 each Local Health Board must include a requirement that the arranging practitioner—

- (a) provides the information set out in paragraph 2.1C to the Local Health Board;
- (b) where the arranging practitioner regularly employs or engages an accredited practitioner to provide or assist in the provision of the Enhanced Optometry Services—

---

(1) 1983 c. 54.  
(2) 1989 c. 44.

- a. obtains the information set out in paragraph 2.1D from the accredited practitioner,
  - b. notifies the accredited practitioner that their information will be provided to the Local Health Board and that the information set out in paragraphs 2.1D(a), (b) and (c) will be published by the Local Health Board for the purposes of the administrative list, and
  - c. provides the information set out in paragraph 2.1D to the Local Health Board;
- (c) provides any other information to the Local Health Board that the Local Health Board may from time to time require;
  - (d) notifies the Local Health Board within 7 days of any material changes to the information provided to the Local Health Board in accordance with paragraphs (a), (b) or (c);
  - (e) must, before employing or engaging any accredited practitioner to provide or assist in the provision of any of the Enhanced Optometry Services—
    - a. comply with the Pre-employment Checks Standards in relation to that person, and
    - b. take reasonable steps to satisfy itself that the person in question is both suitably qualified and competent to discharge the duties for which that person is to be employed or engaged.

**2.1B** A Local Health Board is not required to obtain any information from an arranging practitioner that the Local Health Board already holds.

**2.1C** The information to be provided about the arranging practitioner is as follows—

- (a) the arranging practitioner's full name;
- (b) the arranging practitioner's professional registration number;
- (c) the date of the arranging practitioner's first registration in the register;
- (d) details of the addresses of any places in the Local Health Board's locality at which the arranging practitioner undertakes to provide the Enhanced Optometry Services;

- (e) if the arranging practitioner wishes to provide mobile services, the addresses to which correspondence in connection with such provision may be sent;
- (f) particulars of the days on which and hours between which the arranging practitioner agrees to provide the Enhanced Optometry Services;
- (g) company number, if appropriate;
- (h) the arranging practitioner's private address, or in the case of a corporate optician, the address of its registered office, and, in either case, a telephone number;
- (i) qualifications (including the appropriate post-graduate qualifications) and where they were obtained;
- (j) chronological details of the arranging practitioner's professional experience (including starting and finishing dates of each appointment together with an explanation of any gaps between appointments), with any supporting particulars, and an explanation of why the arranging practitioner was dismissed from any post;
- (k) names and addresses of two referees who are willing to provide references for the arranging practitioner in respect of two recent posts (which may include any current post), which lasted for at least 3 months without a significant break, and where this is not possible, a full explanation and the names and addresses of alternative referees;
- (l) particulars of any outstanding or deferred inclusion in a primary care list, or any other list of a Local Health Board or equivalent body, with the name of the Local Health Board or equivalent body in question;
- (m) particulars of any Local Health Board or equivalent body in whose lists the arranging practitioner is included, or from which the arranging practitioner has been removed or contingently removed, or is suspended, or to which they have been refused admission or in which they have been conditionally included, with an explanation as to why;
- (n) if the arranging practitioner is a director of a body corporate that is included in any list or equivalent list, or which has an outstanding application (including a

deferred application) for inclusion in such a list, the name and address of the registered office of that body and details of the Local Health Board or equivalent body concerned;

- (o) if the arranging practitioner is, or was in the preceding 6 months, or was at the time of the originating events, a director of a body corporate, details of any list or equivalent list to which that body has been refused admission, in which it has been conditionally included, from which it has been removed, contingently removed or from which it is currently suspended, with an explanation as to why and details of the Local Health Board or equivalent body concerned;
- (p) all necessary authority to enable a request to be made by the Local Health Board to any employer (or former employer), licensing, regulatory or other body in the United Kingdom or elsewhere, for information relating to a current investigation, or an investigation where the outcome was adverse, by them into the arranging practitioner.

**2.1D** The information to be provided about an accredited practitioner who is employed or engaged by the arranging practitioner is as follows—

- (a) the accredited practitioner’s full name;
- (b) the accredited practitioner’s professional registration number;
- (c) the date of the accredited practitioner’s first registration in the register;
- (d) the accredited practitioner’s qualifications (including the appropriate post-graduate qualifications) and where they were obtained.”.

(4) In paragraph 5.1 of Schedule 1 (reimbursement of accredited practitioner fee) after “an accredited practitioner” insert “or the arranging practitioner (as appropriate)”.

(5) In paragraph 7 of Schedule 1 (confidentiality and publicity), after paragraph 7.2 insert—

“**7.2** Nothing in these Directions require a Local Health Board or the host NHS body to do anything contrary to data protection legislation.”

### **Amendment of the Low Vision Service Committee (Wales) Directions 2016**

**3.**—(1) The Low Vision Service Committee (Wales) Directions 2016<sup>(1)</sup> are amended as follows.

(2) In paragraph 1.1 of Schedule 1 (interpretation), at the appropriate places insert—

““2023 Regulations” means the National Health Service (Ophthalmic Services) (Wales) Regulations 2023<sup>(2)</sup>;”;

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

““the administrative list” means the administrative list prepared and published by a Local Health Board in accordance with the Wales Eye Care Services (Administrative List) (Wales) Directions 2024<sup>(3)</sup>;”;

““arranging practitioner” means—

- (a) a corporate optician,
- (b) an optometrist,
- (c) an ophthalmic medical practitioner,
- (d) a dispensing optician,

who is entering into or has entered into an arrangement with the Local Health Board to provide the LVSW;”;

““corporate optician” has the meaning given in regulation 2 of the 2023 Regulations;”;

““data protection legislation” has the meaning given in section 3 of the Data Protection Act 2018<sup>(4)</sup> (terms relating to the processing of personal data);”;

““director” means—

- (a) a director of a body corporate,
- (b) a member of a body of persons controlling a body corporate (whether or not a limited liability partnership);”;

““dispensing optician” has the meaning given in regulation 2 of the 2023 Regulations;”;

““equivalent body” has the meaning given in regulation 2 of the 2023 Regulations;”;

““equivalent list” means a list kept by an equivalent body which is equivalent to a primary care list;”;

““mobile services” means LVSW provided at a place other than a registered premises;”;

---

(1) S.I. 2016/11 as amended by WG20-44, WG21-11 (now expired) and WG23-47.  
(2) S.I. 2023/1053 (W.179).  
(3) WG24-01.  
(4) 2018 (c.12); the definition in section 3 was amended by S.I. 2019/419.

““ophthalmic medical practitioner” has the meaning given in regulation 2 of the 2023 Regulations;”;

““optometrist” has the meaning given in regulation 2 of the 2023 Regulations;”;

““originating events” means the events that gave rise to the suspension, refusal to admit, conditional inclusion, removal or contingent removal that took place;”;

““Pre-employment Checks Standards” means the pre-appointment checks that an employer must undertake as part of their recruitment process before recruiting staff which must at least include the following elements of the NHS Employment Checks Standards published by the NHS Confederation—

- (a) identity checks standard,
- (b) right to work checks standard,
- (c) professional registration and qualification checks standard,
- (d) reference checks standard, and
- (e) criminal record checks standard;”;

““primary care list” means a list referred to in section 115(1)(a) to (d) of the Act;”;

““professional registration number” means the number against the arranging practitioner or accredited practitioner’s name in the register;”;

““the register” means—

- (a) in relation to an ophthalmic medical practitioner, a register maintained by the General Medical Council under the Medical Act 1983(1), or
- (b) in relation to an arranging practitioner other than an ophthalmic medical practitioner, a register maintained by the General Optical Council under the Opticians Act 1989(2);

““registered premises” means an address in relation to an arranging practitioner provided in accordance with paragraph 2.1C(d);”.

(3) In paragraph 2 of Schedule 1 (funding arrangements)—

- (a) after “including assessments of clients in their own home” insert “and for ensuring that arranging practitioners are suitably qualified and competent, with appropriate safeguards in place, in the provision of LVSW”;
- (b) after paragraph 2.1 insert—

---

(1) 1983 c. 54.  
(2) 1989 c. 44.



**“2.1A** In arranging the provision of the LVSW in accordance with paragraph 2.1 each Local Health Board must include a requirement that the arranging practitioner—

- (a) provides the information set out in paragraph 2.1C to the Local Health Board;
- (b) where the arranging practitioner regularly employs or engages an accredited practitioner to provide or assist in the provision of the LVSW—
  - a. obtains the information set out in paragraph 2.1D from the accredited practitioner,
  - b. notifies the accredited practitioner that their information will be provided to the Local Health Board and that the information set out in paragraphs 2.1D(a), (b) and (c) will be published by the Local Health Board for the purposes of the administrative list, and
  - c. provides the information set out in paragraph 2.1D to the Local Health Board;
- (c) provides any other information to the Local Health Board that the Local Health Board may from time to time require;
- (d) notifies the Local Health Board within 7 days of any material changes to the information provided to the Local Health Board in accordance with paragraphs (a), (b) or (c);
- (e) must, before employing or engaging any accredited practitioner to provide or assist in the provision of the LVSW—
  - a. comply with the Pre-employment Checks Standards in relation to that person, and
  - b. take reasonable steps to satisfy itself that the person in question is both suitably qualified and competent to discharge the duties for which that person is to be employed or engaged.

**2.1B** A Local Health Board is not required to obtain any information from an arranging practitioner that the Local Health Board already holds.

**2.1C** The information to be provided about the arranging practitioner is as follows—

- (a) the arranging practitioner’s full name;

- (b) the arranging practitioner's professional registration number;
- (c) the date of the arranging practitioner's first registration in the register;
- (d) details of the addresses of any places in the Local Health Board's locality at which the arranging practitioner undertakes to provide the LVSWS;
- (e) if the arranging practitioner wishes to provide mobile services, the addresses to which correspondence in connection with such provision may be sent;
- (f) particulars of the days on which and hours between which the arranging practitioner agrees to provide the LVSWS;
- (g) company number, if appropriate;
- (h) the arranging practitioner's private address, or in the case of a corporate optician, the address of its registered office, and, in either case, a telephone number;
- (i) qualifications (including the appropriate post-graduate qualifications) and where they were obtained;
- (j) chronological details of the arranging practitioner's professional experience (including starting and finishing dates of each appointment together with an explanation of any gaps between appointments), with any supporting particulars, and an explanation of why the arranging practitioner was dismissed from any post;
- (k) names and addresses of two referees who are willing to provide references for the arranging practitioner in respect of two recent posts (which may include any current post), which lasted for at least 3 months without a significant break, and where this is not possible, a full explanation and the names and addresses of alternative referees;
- (l) particulars of any outstanding or deferred inclusion in a primary care list, or any other list of a Local Health Board or equivalent body, with the name of the Local Health Board or equivalent body in question;
- (m) particulars of any Local Health Board or equivalent body in whose lists the arranging practitioner is included, or from which the arranging practitioner has been removed or contingently removed, or is suspended, or to which they have been

refused admission or in which they have been conditionally included, with an explanation as to why;

- (n) if the arranging practitioner is a director of a body corporate that is included in any list or equivalent list, or which has an outstanding application (including a deferred application) for inclusion in such a list, the name and address of the registered office of that body and details of the Local Health Board or equivalent body concerned;
- (o) if the arranging practitioner is, or was in the preceding 6 months, or was at the time of the originating events, a director of a body corporate, details of any list or equivalent list to which that body has been refused admission, in which it has been conditionally included, from which it has been removed, contingently removed or from which it is currently suspended, with an explanation as to why and details of the Local Health Board or equivalent body concerned;
- (p) all necessary authority to enable a request to be made by the Local Health Board to any employer (or former employer), licensing, regulatory or other body in the United Kingdom or elsewhere, for information relating to a current investigation, or an investigation where the outcome was adverse, by them into the arranging practitioner.

**2.1D** The information to be provided about an accredited practitioner who is employed or engaged by the arranging practitioner is as follows—

- (a) the accredited practitioner’s full name;
- (b) the accredited practitioner’s professional registration number;
- (c) the date of the accredited practitioner’s first registration in the register;
- (d) the accredited practitioner’s qualifications (including the appropriate post-graduate qualifications) and where they were obtained.”.

(4) In paragraph 7.1 of Schedule 1 (reimbursement of accredited practitioner fee) after “an accredited practitioner” insert “or the arranging practitioner (as appropriate)”.

(5) In paragraph 9 of Schedule 1 (confidentiality and publicity), after paragraph 9.2 insert—

“**9.3** Nothing in these Directions require a Local Health Board or the host NHS body to do

anything contrary to data protection legislation.”

A handwritten signature in black ink, appearing to read "Paul Cunniff". The signature is written in a cursive style with a long horizontal stroke at the end.

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

Dated: 5 January 2024