
DIRECTIONS

NATIONAL HEALTH SERVICE, ENGLAND

The Primary Medical Services (Directed Enhanced Services) Directions 2013

The Secretary of State gives the following directions in exercise of the powers conferred by sections 98A, 272(7) and (8) and 273(1) of the National Health Service Act 2006(a).

Citation, commencement and application

1.—(1) These Directions may be cited as the Primary Medical Services (Directed Enhanced Services) Directions 2013 and come into force on 1st April 2013.

(2) These Directions are given to the Board.

Interpretation

2.—(1) In these Directions—

“the Act” means the National Health Service Act 2006;

“the Board” means the National Health Service Commissioning Board(b);

“child” has the same meaning as in the National Health Service (General Medical Services Contracts) Regulations 2004(c);

“core hours” has the same meaning as in the National Health Service (General Medical Services Contracts) Regulations 2004;

“CRP” means the Contractor Registered Population as defined in the Statement of Financial Entitlements;

“financial year” means the twelve months ending with 31st March;

“general practitioner” means a medical practitioner whose name is included in the medical performers list prepared and maintained by the Board in accordance with regulations made under section 91 of the Act(d);

“GMS contractor” means a person with whom the Board is entering or has entered into a general medical services contract, and a “GMS contract” shall be construed accordingly;

“health care professional” 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(e);

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- (a) 2006 c.41. Section 98A of the Act is inserted by section 49(1) of the Health and Social Care Act 2012 (c.7) (“the 2012 Act”). By virtue of section 271(1) of the Act, the powers conferred by these sections are exercisable by the Secretary of State only in relation to England.
- (b) The National Health Service Commissioning Board is established by section 1H of the Act. Section 1H is inserted into the Act by section 9(1) of the 2012 Act.
- (c) S.I. 2004/291 is amended by S.I. 2004/906 and 2694, 2005/893, 3315 and 3491, 2006/1501, 2007/3491, 2008/528 and 1700, 2009/2205 and 2230, 2010/22, 231, 234, 478 and 578, 2012/970, 1479, 1909 and 1916 and 2013/363.
- (d) Section 91 is amended by section 55(1) of, and paragraph 35 of Schedule 4 to, the 2012 Act.
- (e) 2002 c.17. Section 25 is amended by sections 220, 222, 223, 224 and 230 of, and paragraph 62 of schedule 15 to, the 2012 Act; sections 113, 127 of, and paragraph 17 of Schedule 10 to, the Health and Social Care Act 2008 (c.14); and S.I. 2010/231 and 2012/2657.

“out of hours services” has the same meaning as in the National Health Service (General Medical Services Contracts) Regulations 2004;

“PMS contractor” means a person with whom the Board is entering or has entered into section 92 arrangements(a) which require the provision by that person of primary medical services, and a “PMS agreement” shall be construed accordingly;

“practice” means the business operated by the contractor for the purpose of delivering services under the primary medical services contract;

“Primary Care Trust” means the Primary Care Trust which was established immediately before the coming into force of section 34 (abolition of Primary Care Trusts) of the Health and Social Care Act 2012 and was party to the primary medical services contract on 31st March 2013;

“primary medical services contract” means—

- (a) a general medical services contract made under section 84 of the Act(b);
- (b) section 92 arrangements which require the provision of primary medical services; or
- (c) contractual arrangements for the provision of primary medical services under section 83(2) of the Act(c);

“primary medical services contractor” means—

- (a) a GMS or PMS contractor; or
- (b) a person with whom the Board is making or has made contractual arrangements for the provision of primary medical services under section 83(2) of the Act;

“registered patient” has the same meaning as in the National Health Service (General Medical Services Contracts) Regulations 2004;

“Statement of Financial Entitlements” means any directions given by the Secretary of State under section 87 of the Act (GMS contracts: payments)(d); and

“working day” has the same meaning as in the National Health Service (General Medical Services Contracts) Regulations 2004.

(2) In these Directions a reference to a contract entered into before 1st April 2013 is a reference to the primary medical services contract entered into before the date on which section 34 (abolition of Primary Care Trusts) of the Health and Social Care Act 2012(e) comes into force and to which the Board becomes a party as a consequence of a property transfer scheme made under section 300 of that Act.

Establishment etc. of directed enhanced services schemes

3.—(1) The Board must exercise its functions under section 83 of the Act so as to secure the provision of primary medical services throughout England by (as part of its discharge of those functions) establishing, operating and, as appropriate, revising the following schemes—

- (a) an Extended Hours Access Scheme, the underlying purpose of which is to enable patients to consult a health care professional, face to face, at times other than during the core hours specified in the contractor’s primary medical services contract, as agreed with the Board;
- (b) an Alcohol Related Risk Reduction Scheme, the underlying purpose of which is to—
 - (i) encourage primary medical services contractors to review newly registered patients aged 16 and over, and

(a) Section 92 is amended by section 55(1) of, and paragraph 36 of Schedule 4, to the 2012 Act. See also section 92(8) of the Act.
(b) Section 84 is amended by section 55(1) of, and paragraph 31 of Schedule 4 to, the 2012 Act.
(c) Section 83 is amended by section 55(1) of, and paragraph 30 of Schedule 4 to, the 2012 Act.
(d) Section 87 is amended by section 55(1) of, and paragraph 33 of Schedule 4 to, the 2012 Act.
(e) 2012 c.7.

- (ii) where any such patient is identified as possibly drinking alcohol at increasing risk or higher risk levels, to offer and deliver a brief intervention to such patients aimed at seeking to reduce alcohol related health risks;
 - (c) a Learning Disabilities Health Check Scheme, the underlying purpose of which is to encourage primary medical services contractors to identify registered patients aged 18 and over and who are known to the local authority social services department primarily because of their learning disabilities and to offer and provide such patients with an annual health check;
 - (d) a Childhood Immunisation Scheme, the underlying purpose of which is to ensure that patients in its area—
 - (i) who have attained the age of 2 years but not yet 3 years are able to benefit from the recommended immunisation courses (that is those that have been recommended nationally and by the World Health Organisation^(a)) for protection against—
 - (aa) diphtheria, tetanus, poliomyelitis, pertussis and Haemophilus influenzae type B (HiB),
 - (bb) measles/mumps/rubella, and
 - (cc) Meningitis C, or
 - (ii) who have attained the age of 5 years but not yet 6 years are able to benefit from the recommended reinforcing doses (that is those that have been recommended nationally and by the World Health Organisation) for protection against diphtheria, tetanus, pertussis and poliomyelitis;
 - (e) an Influenza and Pneumococcal Immunisation Scheme, the underlying purpose of which is to ensure that patients in England who are at risk of influenza or pneumococcal infection are offered immunisation against these infections;
 - (f) a Violent Patients Scheme, the underlying purpose of which is to ensure that there are sufficient arrangements in place to provide primary medical services to patients who have been subject to immediate removal from a patient list of a primary medical services contractor because of an act or threat of violence;
 - (g) a Minor Surgery Scheme, the underlying purpose of which is to ensure that a wide range of minor surgical procedures are made available as part of the primary medical services provided throughout England;
 - (h) a Patient Participation Scheme, the underlying purpose of which is to encourage primary medical services contractors—
 - (i) to obtain, through the carrying out of a local practice survey, the views of the registered patients in respect of the provision of primary medical services by, and manner in which, primary medical services are provided by the contractor; and
 - (ii) to identify from the local practice survey those primary medical services, the provision of which by, and manner in which they are provided by, the contractor needs to be improved and, where it is appropriate, to take reasonable steps to improve such services; and
 - (i) a Promoting Quality and Innovation Scheme, the underlying purpose of which is to encourage and support primary medical services contractors to continually to improve the quality and effectiveness of care provided to patients by promoting innovation relating to the manner in which primary medical services are provided.
- (2) Before entering into any arrangements with a primary medical services contractor as part of one of the schemes mentioned in paragraph (1), the Board must satisfy itself that the contractor with which it is proposing to enter into those arrangements—
- (a) is capable of meeting its obligations under those arrangements including under any plan agreed under those arrangements; and

(a) Information on such recommended immunisation courses can be accessed on the following website: www.who.int

(b) in particular, has the necessary facilities, equipment and properly trained and qualified general practitioners, health care professionals and staff to carry out those obligations, and nothing in these Directions shall be taken as requiring the Board to enter into such arrangements with a contractor if it has not been able to satisfy itself in this way about the contractor.

Extended Hours Access Scheme

4.—(1) As part of its Extended Hours Access Scheme, the Board must before 30th April 2013 offer to—

- (a) each GMS contractor who has entered into a GMS contract before 1st April 2013 and such a contract subsists on 1st April 2013; and
- (b) each PMS contractor for which the Board holds a list of registered patients and who has entered into an PMS agreement before 1st April 2013 and such an agreement subsists on 1st April 2013,

the opportunity to enter into arrangements under the Scheme in respect of the twelve month period ending on 31st March 2014.

(2) Unless paragraph (3) applies, the Board must, as far as is reasonably practicable, agree proposals to enter into arrangements under the Scheme and enter into such arrangements before 1st July 2013.

(3) The Board is required to enter into, as part of its Extended Hours Access Scheme, such arrangements after 30th June 2013 only where—

- (a) the contractor—
 - (i) has not provided the Board with its proposals to enter into arrangements before 1st July 2013, and
 - (ii) on the 30th June 2013, 28 days have not lapsed since the offer to enter into arrangements was made by the Board;
- (b) two or more GMS or PMS contracts (under at least one of which arrangements under the Scheme referred to in paragraph (1) had previously been entered into) merge and—
 - (i) as a result two or more patient lists are combined, resulting in either a new GMS or PMS contract or a varied GMS or PMS contract,
 - (ii) the contractor who is a party to such a new or varied contract wishes to enter into new arrangements under paragraph (1), and
 - (iii) pending such new arrangements, the contractor provides extended hours access arrangements which are, in the opinion of the Board, broadly comparable to what is necessary in order to provide the minimum hours of extended access required under these Directions,

in which case the Board is required to enter into new arrangements under the Scheme referred to in paragraph (1) on or before the expiry of the period of 28 days beginning with the date of the merger; or

- (c) a GMS or PMS contract (under which arrangements under the Scheme referred to in paragraph (1) had previously been entered into) splits and—
 - (i) as a result the contractor's patient list is divided between two or more GMS or PMS contractors, resulting in either new GMS or PMS contracts or varied GMS or PMS contracts, or a combination of both, and a contractor which is a party to such a new or varied contract wishes to enter into new arrangements under paragraph (1), and
 - (ii) pending such new arrangements, the contractor provides extended hours access arrangements which are, in the opinion of the Board, broadly comparable to what is necessary in order to provide the minimum hours of extended access required under these Directions,

in which case the Board is required to enter into new arrangements under the Scheme referred to in paragraph (1) on or before the expiry of the period of 28 days beginning with the date of the split.

- (4) The Board must—
- (a) consider any proposals put forward by a GMS or PMS contractor which wishes to enter into arrangements under the Scheme referred to in paragraphs (1) and (3) with a view to agreeing them;
 - (b) not delay any such consideration unreasonably;
 - (c) not withhold its agreement unreasonably; and
 - (d) in making a decision as to whether to agree to any proposals, have regard to any relevant local circumstances, any known patient preferences and any relevant guidance issued by the Secretary of State.
- (5) The Board is not required to consider and reach a decision on any proposals in accordance with paragraph (4) if the GMS or PMS contractor has failed to provide—
- (a) written proposals in response to the Board's offer to enter into arrangements within 28 days of the Board's offer; or
 - (b) any information requested by the Board that it reasonably requires in order to ascertain whether the proposals meet its requirements.
- (6) The arrangements that the Board enters into with a GMS or PMS contractor for extended hours access must be in writing and must include—
- (a) a written obligation on the contractor to implement the agreed arrangements in so far as they place obligations upon it;
 - (b) details of the arrangements the contractor proposes to make in order to enable patients to consult a health care professional, face to face, at times other than during the core hours specified in the contractor's primary medical services contract, and those arrangements must comply with the following provisions—
 - (i) the arrangements must include the provision of a clinical session or sessions, provided by a health care professional, on a regular basis each week from the contractor's practice premises which are held at times other than during the core hours specified in the contractor's primary medical services contract,
 - (ii) any clinical session or sessions provided must be in addition to the contractor's normal provision of clinical sessions during core hours,
 - (iii) the additional period of the clinical session or sessions provided must, as a minimum, equate to a period of time calculated as follows—
 - (aa) first, divide the contractor's CRP at the time the arrangements are agreed by 1000,
 - (bb) then, multiply the figure obtained from the calculation made under subparagraph (aa) by 30,
 - (cc) then, convert the figure obtained from the calculation made under subparagraph (bb) into hours and minutes, rounded to the nearest quarter hour,
 - (iv) the agreed period of time of any additional clinical session or sessions must be provided in full and may be met by a clinical session or sessions consisting of concurrent appointments which, when added together, provide the equivalent of the agreed period of time, and
 - (v) any clinical session or sessions provided must be provided in continuous periods of at least 30 minutes;
 - (c) a requirement that the contractor co-operate with the Board in any review of the arrangements designed to establish whether the pattern of additional hours provided under the arrangements is meeting the requirements of the contractor's registered patients;

- (d) where the contractor provides out of hours services to its patients, a requirement that the contractor will not limit access to any additional clinical session or sessions it provides under the agreement to those patients that it would in any event have been obliged to see in accordance with its obligations in providing that out of hours service;
- (e) the arrangements for the provision of information by the Board and by the contractor;
- (f) the arrangements for the monitoring of the arrangements by the Board;
- (g) the arrangements for changing the pattern of, or for cessation of, agreed extended opening times, including an agreed notice period for any such changes or cessation;
- (h) the arrangements to be made by the contractor and the Board for informing the contractor's patients about the additional clinical session or sessions being made available under these arrangements; and
- (i) in the case of PMS contractors, the amount of the payments to be made to the contractor for meeting its obligations under the arrangements, and in determining the appropriate level of those payments the Board must have regard to the amounts of payments under section 7 of the Statement of Financial Entitlements,

and the Board must, where necessary, vary the primary medical services contractor's primary medical services contract so that the arrangements comprise part of the contractor's contract and the requirements of the arrangements are conditions of the contract.

(7) No variation of the primary medical services contract to incorporate an Extended Hours Access arrangement shall provide—

- (a) in the case of a contractor that does not provide out of hours services, that any obligation under the contract to attend on a patient outside practice premises (in accordance with terms of the contract which have effect as those specified in—
 - (i) paragraph 3 of Schedule 6 to the National Health Service (General Medical Services Contracts) Regulations 2004, or
 - (ii) paragraph 4 of Schedule 5 to the National Health Service (Personal Medical Services Agreements) Regulations 2004(a)),

applies in respect of any additional period during which the contractor is providing services in accordance with the Extended Hours Access arrangements; or
- (b) that Saturday is to be considered a “working day” for the purposes of any calculation of a period of time required under the contract where such calculation is defined by reference to a “working day”.

Alcohol Related Risk Reduction Scheme

5.—(1) As part of its Alcohol Related Risk Reduction Scheme, the Board must before 30th April 2013 offer to—

- (a) each GMS contractor who has entered into a GMS contract before 1st April 2013 and such a contract subsists on 1st April 2013; and
- (b) each PMS contractor for which it holds a list of registered patients and who has entered into an PMS agreement before 1st April 2013 and such an agreement subsists on 1st April 2013,

the opportunity to enter into arrangements under the Scheme in respect of the twelve month period ending on 31st March 2014.

(2) The Board must, subject to paragraph (3), offer to—

- (a) each GMS contractor who enters into a GMS contract on or after 1st April 2013; and
- (b) each PMS contractor for which it holds a list of registered patients and who enters into an PMS agreement on or after 1st April 2013,

(a) S.I. 2004/627; there are no relevant amendments in respect of paragraph 4 of Schedule 5.

the opportunity to enter into arrangements under the Scheme referred to in paragraph (1) for the remainder of the financial year.

(3) The Board is required to enter into arrangements under the Scheme referred to in paragraph (1) after 31st December 2013, only where—

- (a) two or more GMS or PMS contracts (under at least one of which arrangements under the Scheme referred to in paragraph (1) had previously been entered into) merge and as a result two or more patient lists are combined, resulting in either a new GMS or PMS contract or a varied GMS or PMS contract, and the contractor which is a party to such a new or varied contract wishes to enter into new arrangements under the Scheme referred to in paragraph (1); or
- (b) a GMS or PMS contract (under which arrangements under the Scheme referred to in paragraph (1) had previously been entered into) splits and as a result the contractor's patient list is divided between two or more GMS or PMS contractors, resulting in either new GMS or PMS contracts or varied GMS or PMS contracts or a combination of both and a contractor which is a party to such a new or varied contract wishes to enter into new arrangements under the Scheme referred to in paragraph (1),

in which case the Board is required to enter into the new arrangements under the Scheme referred to in paragraph (1), and such arrangements must commence on or before the expiry of the period of 28 days beginning with the date of the merger or the split as the case may be.

(4) The Board must—

- (a) consider any proposals put forward by a GMS or PMS contractor which wishes to enter into arrangements under the Scheme referred to in paragraphs (1) and (2) with a view to agreeing them;
- (b) not delay any such consideration unreasonably; and
- (c) not withhold its agreement unreasonably.

(5) The Board is not required to consider and reach a decision in respect of entering into any arrangements under the Scheme referred to in paragraph (1) where a GMS or PMS contractor has failed to provide written proposals in response to the Board's offer to enter into such arrangements within 42 days beginning with the date of the offer.

(6) The arrangements that the Board enters into with a GMS or PMS contractor as part of its Alcohol Related Risk Reduction Scheme must be in writing and must include—

- (a) a requirement that the contractor screen newly registered patients aged 16 and over using either one of two shortened versions of the World Health Organisation (WHO) Alcohol Use Disorders Identification Test (AUDIT) questionnaire: FAST (which has four questions) or AUDIT-C (which has three questions);
- (b) a requirement that if a patient is identified as positive using either shortened version of the AUDIT questionnaire, the remaining questions of the full ten-question AUDIT questionnaire are to be used to determine increasing risk, higher risk or likely dependent drinking;
- (c) a requirement that if a patient is identified as drinking at increasing risk or higher risk levels, the contractor—
 - (i) deliver the recommended brief intervention specified in paragraph (7) to such patient,
 - (ii) respond to any other identified need in such patient that relates to their levels of drinking, and
 - (iii) provide any treatment that relates to the patient's levels of drinking and which may be required under the contractor's primary medical services contract;
- (d) a requirement that if a patient is identified as a dependent drinker the contractor must offer to refer that patient to specialist services;
- (e) a requirement that the contractor makes relevant entries in the patient's medical record;

- (f) a requirement that before 30th April 2014, the contractor provides the following information (in writing) in respect of the twelve month period ending on 31st March 2014—
 - (i) the number of newly registered patients aged 16 and over who have been screened by the contractor using either one of two shortened versions of the World Health Organisation (WHO) Alcohol Use Disorders Identification Test (AUDIT) questionnaire (FAST or AUDIT-C) during that period,
 - (ii) the number of newly registered patients aged 16 and over who have screened positive under either one of two shortened versions of the World Health Organisation (WHO) Alcohol Use Disorders Identification Test (AUDIT) questionnaire (FAST or AUDIT-C) during that period who then undergo a fuller assessment using the full ten-question AUDIT questionnaire to determine an increasing risk, higher risk or likely dependent drinking,
 - (iii) the number of newly registered patients who have been identified as drinking at increasing risk or higher risk levels who have during that period received a brief intervention to help them reduce their alcohol-related risk, and
 - (iv) the number of newly registered patients scoring 20 or more on the full ten-question AUDIT questionnaire who have been referred by the contractor for specialist advice for dependent drinking during that period;
- (g) details of the arrangements for the provision of information by the Board and by the contractor in addition to any information the contractor is required to provide in accordance with sub-paragraph (f);
- (h) details of the arrangements for the monitoring of the arrangements by the Board; and
- (i) in the case of PMS contractors, the amount of the payments to be made to the contractor for meeting its obligations under the arrangements, and in determining the appropriate level of those payments the Board must have regard to the amounts of payments under section 8 of the Statement of Financial Entitlements,

and the Board must, where necessary, vary the primary medical services contractor's primary medical services contract so that the arrangements comprise part of the contractor's contract and the requirements of the arrangements are conditions of the contract.

(7) The recommended brief intervention for use in the case of patients identified as drinking at increasing risk or higher risk levels is the basic five minutes of advice used in the WHO clinical trial of brief intervention in primary care, using the programme modified for the UK context by the University of Newcastle – *How Much Is Too Much?*(a).

Learning Disabilities Health Check Scheme

6.—(1) As part of its Learning Disabilities Health Check Scheme, the Board must before 30th April 2013 offer to—

- (a) each GMS contractor who has entered into a GMS contract before 1st April 2013 and such a contract subsists on 1st April 2013; and
- (b) each PMS contractor for which it holds a list of registered patients and who has entered into an PMS agreement before 1st April 2013 and such an agreement subsists on 1st April 2013,

the opportunity to enter into arrangements under the Scheme in respect of the twelve month period ending on 31st March 2014.

(2) The Board, must subject to paragraph (3), offer to—

- (a) each GMS contractor who enters into a GMS contract on or after 1st April 2013; and

(a) This programme and associated audit tools can be accessed on the following website <http://www.alcohollearningcentre.org.uk/Topics/Browse/BriefAdvice/>

- (b) each PMS contractor for which it holds a list of registered patients and who enters into an PMS agreement on or after 1st April 2013,

the opportunity to enter into the arrangements under the Scheme referred to in paragraph (1) for the remainder of the financial year.

(3) The Board is required to enter into an arrangement under the Scheme referred to in paragraph (1) after 31st December 2013, only where—

- (a) two or more GMS or PMS contracts (under at least one of which arrangements under the Scheme referred to in paragraph (1) had previously been entered into) merge and as a result two or more patient lists are combined, resulting in either a new GMS or PMS contract or a varied GMS or PMS contract, and the contractor who is a party to such a new or varied contract wishes to enter into new arrangements referred to in paragraph (1); or
- (b) a GMS or PMS contract (under which arrangements under the Scheme referred to in paragraph (1) had previously been entered into) splits and as a result the contractor's patient list is divided between two or more GMS or PMS contractors, resulting in either new GMS or PMS contracts or varied GMS or PMS contracts, or a combination of both, and a contractor who is a party to such a new or varied contract wishes to enter into a new arrangement referred to in paragraph (1),

in which case the Board is required to enter into a new arrangement under the Scheme referred to in paragraph (1), and such an arrangement must commence on or before the expiry of the period of 28 days beginning with the date of the merger or the split as the case may be.

(4) The Board must—

- (a) consider any proposals put forward by a GMS or PMS contractor which wishes to enter into arrangements under the Scheme referred to in paragraphs (1) and (2) with a view to agreeing them;
- (b) not delay any such consideration unreasonably; and
- (c) not withhold its agreement unreasonably.

(5) The Board is not required to consider and reach a decision in respect of entering into any arrangement under the Scheme referred to in paragraph (1) where a GMS or PMS contractor has failed to provide written proposals in response to the Board's offer to enter into such arrangements within 42 days beginning with the date of the offer.

(6) The arrangement that the Board enters into with a GMS or PMS contractor as part of its Learning Disabilities Health Check Scheme must be in writing and must include—

- (a) a requirement that the contractor—
 - (i) set up and agree with the Board a "health check learning disabilities register", or
 - (ii) in a case where the contractor had entered into a previous scheme under direction 6 of the Primary Medical Services (Directed Enhanced Services) (England) Directions 2012(a), retain any previous health check learning disabilities register required in accordance with those Directions,

the purpose of which is to identify those of its registered patients aged 18 or over with learning disabilities who are to be invited for an annual health check under the arrangement;

- (b) a requirement that in order to establish which of their registered patients should be included on the health check learning disabilities register, the contractor will liaise with the local authority social services department or departments for the area or areas from which their registered patients are drawn and establish which of their registered

(a) The Primary Medical Services (Directed Enhanced Services) (England) Directions 2012, signed on 29th March 2012.

patients are known to the local authority social services primarily because of their learning disabilities(a);

- (c) a requirement that the contractor includes those of its registered patients identified by such liaison with the local authority or authorities in its health check learning disabilities register;
- (d) a requirement that the contractor review any learning disabilities register it has already set up under Quality and Outcomes Framework arrangements under its contract and ensure that such learning disabilities register includes all those registered patients that have been identified for inclusion in the health check learning disabilities register;
- (e) a requirement that the contractor takes reasonable steps to keep the health check learning disabilities register up to date throughout the period of the arrangement by removing and adding registered patients as appropriate;
- (f) a requirement that the contractor provides the Board with such information as the Board may reasonably require to demonstrate that it has robust systems in place to maintain such register accurately;
- (g) a requirement that the contractor will offer an annual health check to each patient on its health check learning disabilities register;
- (h) a requirement that, where the patient consents, the health check provided under the arrangement will involve any carer, support worker or other person considered appropriate by either the patient or the contractor;
- (i) a requirement that any health check provided under the arrangement will, as a minimum, include—
 - (i) a review of the patient’s physical and mental health that includes—
 - (aa) the provision of relevant health promotion advice,
 - (bb) a chronic illness and system enquiry,
 - (cc) a physical examination,
 - (dd) a consideration of whether the patient suffers from epilepsy,
 - (ee) a consideration of the patient’s behaviour and mental health, and
 - (ff) a specific syndrome check,
 - (ii) a check on the appropriateness of any prescribed medicines,
 - (iii) a review of coordination arrangements with secondary care, and
 - (iv) where appropriate, a review of any transitional arrangements which took place on the patient attaining the age of 18;
- (j) a requirement that in carrying out any health check provided under the arrangements the contractor will use—
 - (i) the “Cardiff” health check protocol which is available through the Royal College of General Practitioners’ website(b), or
 - (ii) a similar protocol agreed with the Board;
- (k) a requirement that before undertaking any health check under the arrangement the contractor will arrange a training session, if it has not already done so, for its staff which meets the following requirements—
 - (i) the training session must be attended by such members of the contractor’s staff as are agreed between the contractor and the Board, which must include as a minimum—

(a) See Appendix 2 Guidance and Audit Requirements for the learning disabilities health check scheme in the Clinical Directed Enhanced Services for GMS Contracts Guidance published jointly by NHS Employers and BMA on <http://www.nhsemployers.org>.

(b) The website can be found at <http://www.rcgp.org.uk/clinical-and-research/clinical-resources/learning-disabilities.aspx>

- (aa) the lead general practitioner, the lead practice nurse and either the practice manager or the senior receptionist, if the contractor's staff include staff with those designations, or
 - (bb) where the contractor's staff does not include staff with those designations, those members of the contractor's staff whose roles are analogous to those designations,
 - (ii) the training session must consist of a multi-professional education session approved by the Board, and
 - (iii) the training session must include instruction on overcoming any attitudinal barriers of the staff with a view to improving their communication with patients with learning disabilities;
 - (l) a requirement that the contractor makes relevant entries in the patient's medical record, including any refusal by a patient to take up the offer of a health check;
 - (m) a requirement that before 30th April 2014 the contractor informs the Board (in writing) of the number of registered patients on the health check learning disabilities register who have received a health check undertaken by the contractor under the arrangement referred to in paragraph (1) in respect of the twelve month period ending on 31st March 2014;
 - (n) details of the arrangements for the provision of information by the Board and by the contractor in addition to any information the contractor is required to provide in accordance with sub-paragraph (m);
 - (o) details of the arrangements for the monitoring of the arrangements by the Board; and
 - (p) in the case of PMS contractors, the amount of the payments to be made to the contractor for meeting its obligations under the arrangements and in determining the appropriate level of those payments the Board must have regard to the amounts of payments under section 9 of the Statement of Financial Entitlements,
- and the Board must, where necessary, vary the primary medical services contractor's primary medical services contract so that the arrangements comprise part of the contractor's contract and the requirements of the arrangements are conditions of the contract.

Childhood Immunisation Scheme

7.—(1) As part of its Childhood Immunisation Scheme, the Board must, each financial year, offer to enter into arrangements with each GMS or PMS contractor, unless—

- (a) it already has such arrangements with the contractor in respect of that financial year; or
- (b) in the case of a GMS contractor, the contractor is not providing the childhood immunisation and pre-school boosters additional service under its general medical services contract.

(2) The plan setting out the arrangement that the Board enters into, or has entered into, with any primary medical services contractor as part of its Childhood Immunisation Scheme must, in respect of each financial year to which the plan relates, include—

- (a) a requirement that the contractor—
 - (i) develops and maintains a register (its "Childhood Immunisation Scheme Register", which may comprise electronically tagged entries in a wider computer database) of all the children for whom the contractor has a contractual duty to provide childhood immunisation and pre-school booster services (who may already have been immunised, by the contractor or otherwise, or to whom the contractor has offered or needs to offer immunisation),
 - (ii) undertakes to offer the recommended immunisations referred to in direction 3(d) in respect of the children on its Childhood Immunisation Scheme Register (with the

- aim of maximising uptake in the interests of patients, both individually and collectively), and
- (iii) undertakes to record the information that it has in its Childhood Immunisation Scheme Register using any applicable national Read codes;
- (b) a requirement that the contractor—
- (i) develops a strategy for liaising with and informing parents or guardians of children on its Childhood Immunisation Scheme Register about its immunisation programme with the aim of improving uptake, and
 - (ii) provides information on request to those parents or guardians about immunisation;
- (c) a requirement that the contractor takes all reasonable steps to ensure that the lifelong medical records held by a child's general practitioner are kept up-to-date with regard to the child's immunisation status, and in particular include—
- (i) any refusal of an offer of immunisation,
 - (ii) where an offer of immunisation was accepted—
 - (aa) details of the consent to the vaccine or immunisation where a person has consented on a child's behalf (and that person's relationship to the child must also be recorded),
 - (bb) the batch number, expiry date and title of the vaccine,
 - (cc) the date of administration of the vaccine,
 - (dd) where two vaccines are administered in close succession, the route of administration and any injection site of each vaccine,
 - (ee) any contraindications to the vaccine, and
 - (ff) any adverse reactions to the vaccine;
- (d) a requirement that the contractor ensures that any health care professional who is involved in administration of the vaccine has—
- (i) the necessary experience, skills and training with regard to the administration of the vaccine, and
 - (ii) training with regard to the recognition and initial treatment of anaphylaxis;
- (e) a requirement that the contractor ensures that—
- (i) all vaccines are stored in accordance with the manufacturer's instructions, and
 - (ii) all refrigerators in which vaccines are stored have a maximum/minimum thermometer and that readings are taken from that thermometer on all working days;
- (f) a requirement that the contractor supply the Board with such information as it may reasonably request for the purposes of monitoring the contractor's performance of its obligations under the plan;
- (g) arrangements for an annual review of the plan which must include—
- (i) an audit of the rates of immunisation, which must also cover any changes to the rates of immunisation, and
 - (ii) an analysis of the possible reasons for any changes to the rates of immunisation; and
- (h) in the case of PMS contractors, the payment arrangements for the contractor, which must comprise target payments to the contractor where the contractor—
- (i) meets its obligations under the plan, and
 - (ii) meets, in respect of the children on the contractor's Childhood Immunisation Scheme Register, immunisation levels designed to ensure adequate protection, both for individual patients and for the public, against the infectious diseases against which immunisation is being offered (and the Board must take no account of exception reporting in its calculation of target payments),

and in determining the appropriate level of those target payments, the Board must have regard to the target payments and the targets rewarded under Section 11 of the Statement of Financial Entitlements,

and the Board must, where necessary, vary the primary medical services contractor's primary medical services contract so that the plan comprises part of the contractor's contract and the requirements of the plan are conditions of the contract.

Influenza and Pneumococcal Immunisation Scheme

8. As part of its Influenza and Pneumococcal Immunisation Scheme, the Board may enter into arrangements with any primary medical services contractor, and where it does so, the plan setting out the arrangements that the Board enters into, or has entered into, with the primary medical services contractor must, in respect of each financial year to which the plan relates, include—

- (a) a requirement that the contractor develops and maintains a register (its "Influenza and Pneumococcal Scheme Register", which may comprise electronically tagged entries in a wider computer database) of all the at-risk patients to whom the contractor is to offer immunisation against influenza or pneumococcal infection, and for these purposes a patient is at risk of—
 - (i) influenza infection if they are—
 - (aa) aged 65 or over at the end of that financial year,
 - (bb) suffering from chronic respiratory disease (including asthma), chronic heart disease, chronic renal disease, immuno-suppression due to disease or treatment, or diabetes mellitus, or
 - (cc) living in long-stay residential or nursing homes or other long-stay health or social care facilities, or
 - (ii) pneumococcal infection if they are aged 65 or over at the end of that financial year;
- (b) a requirement that the contractor undertakes—
 - (i) to offer pneumococcal immunisation to those at risk patients as identified at paragraph (a)(ii) and, in the case of influenza immunisation, offer influenza immunisation to those patients who are at risk as identified at paragraph (a)(i), and in each case—
 - (aa) make that offer during the period from 1st August to 31st March in that financial year, but
 - (bb) concentrate the immunisation programme during the period from 1st September to 31st January in that financial year, and
 - (ii) to record the information that it has in its Influenza and Pneumococcal Immunisation Register using any applicable national Read codes;
- (c) a requirement that the contractor develops a proactive and preventative approach to offering these immunisations by adopting robust call and reminder systems to contact at-risk patients, with the aims of—
 - (i) maximising uptake in the interests of at-risk patients, and
 - (ii) meeting any public health targets in respect of such immunisations;
- (d) a requirement that the contractor takes all reasonable steps to ensure that the lifelong medical records held by an at-risk patient's general practitioner are kept up-to-date with regard to their immunisation status, and in particular include—
 - (i) any refusal of an offer of immunisation,
 - (ii) where an offer of immunisation was accepted—
 - (aa) details of the consent to the vaccine or immunisation (where a person has consented on an at-risk patient's behalf, that person's relationship to the at-risk patient must also be recorded),
 - (bb) the batch number, expiry date and title of the vaccine,

- (cc) the date of administration of the vaccine,
- (dd) where two vaccines are administered in close succession, the route of administration and the injection site of each vaccine,
- (ee) any contraindications to the vaccine, and
- (ff) any adverse reactions to the vaccine;
- (e) a requirement that the contractor ensures that any health care professional who is involved in the administration of the vaccine has—
 - (i) the necessary experience, skills and training with regard to the administration of the vaccine, and
 - (ii) training with regard to the recognition and initial treatment of anaphylaxis;
- (f) a requirement that the contractor ensures that—
 - (i) all vaccines are stored in accordance with the manufacturer’s instructions, and
 - (ii) all refrigerators in which vaccines are stored have a maximum/minimum thermometer and that readings are taken from that thermometer on all working days;
- (g) a requirement that the contractor supply the Board with such information as it may reasonably request for the purposes of monitoring the contractor’s performance of its obligations under the plan; and
- (h) the payment arrangements for the contractor,

and the Board must, where necessary, vary the primary medical services contractor’s primary medical services contract so that the plan comprises part of the contractor’s contract and the requirements of the plan are conditions of the contract.

Violent Patients Scheme

9.—(1) The Board must consult the Local Medical Committee (if any) for the area in which the primary medical services contractor who wishes to enter into arrangements in respect of a Violent Patients Scheme provides primary medical services about any proposals it has to establish or revise a Violent Patients Scheme.

(2) As part of its Violent Patients Scheme, the Board may enter into arrangements with any primary medical services contractor, but where it does so—

- (a) the plan setting out those arrangements must provide, in respect of each financial year to which the plan relates, for the payment arrangements for the contractor agreeing and meeting its obligations under the plan; and
- (b) the Board must, where necessary, vary the primary medical services contractor’s contract so that the plan comprises part of the contractor’s contract and the requirements of the plan are conditions of the contract.

Minor Surgery Scheme

10.—(1) As part of its Minor Surgery Scheme, the Board may enter into arrangements with any primary medical services contractor, but where it does so, the plan setting out the arrangements that the Board enters into, or has entered into, with the primary medical services contractor must, in respect of each financial year to which the plan relates, include—

- (a) which minor surgical procedures are to be undertaken by the contractor and for which category of patients, and for these purposes, the minor surgical procedures that may be undertaken are any minor surgical procedures that the Board considers the contractor competent to provide, which may include—
 - (i) injections for muscles, tendons and joints,
 - (ii) invasive procedures, including incisions and excisions, and
 - (iii) injections for varicose veins and piles;

- (b) a requirement that the contractor takes all reasonable steps to provide suitable information to patients, in respect of whom they are contracted to provide minor surgical procedures, about those procedures;
- (c) a requirement that the contractor—
 - (i) obtains written consent to the surgical procedure before it is carried out (where a person consents on a patient's behalf, that person's relationship to the patient must be recorded on the consent form), and
 - (ii) takes all reasonable steps to ensure that the consent form is included in the lifelong medical records held by the patient's general practitioner;
- (d) a requirement that the contractor ensures that all tissue removed by surgical procedures is sent for histological examination, unless there are acceptable reasons for not doing so;
- (e) a requirement that the contractor ensures that any health care professional who is involved in performing or assisting in any surgical procedure has—
 - (i) any necessary experience, skills and training with regard to that procedure, and
 - (ii) resuscitation skills;
- (f) a requirement that the contractor ensures that it has appropriate arrangements for infection control and decontamination in premises where surgical procedures are undertaken, and for these purposes, the Board may stipulate—
 - (i) the use of sterile packs from the local Central Sterile Service Department, disposable sterile instruments, or approved sterilisation procedures, and
 - (ii) the use of particular infection control policies in relation to, for example, the handling of used instruments and excised specimens, and the disposal of clinical waste;
- (g) a requirement that the contractor ensures that all records relating to all surgical procedures are maintained in such a way—
 - (i) that aggregated data and details of individual patients are readily accessible for lawful purposes, and
 - (ii) as to facilitate regular audit and peer review by the contractor of the performance of surgical procedures under the plan;
- (h) a requirement that the contractor supplies the Board with such information as it may reasonably request for the purposes of monitoring the contractor's performance of its obligations under the plan; and
- (i) the payment arrangements for the contractor,

and the Board must, where necessary, vary the primary medical services contractor's primary medical services contract so that the plan comprises part of the contractor's contract and the requirements of the plan are conditions of the contract.

Patient Participation Scheme

11.—(1) As part of its Patient Participation Scheme, the Board must before 31st May 2013 offer to—

- (a) each GMS contractor who has entered into a GMS contract before 1st April 2013 and such a contract subsists on 1st April 2013; and
- (b) each PMS contractor for which it holds a list of registered patients and who has entered into an PMS agreement before 1st April 2013 and such an agreement subsists on 1st April 2013,

the opportunity to enter into arrangements under the Scheme in respect of the twelve month period ending on 31st March 2014.

(2) The Board must offer to—

- (a) each GMS contractor who enters into a GMS contract on or after 1st April 2013; and
- (b) each PMS contractor for which it holds a list of registered patients and who enters into an PMS agreement on or after 1st April 2013,

the opportunity to enter into arrangements under the Scheme in respect of the remainder of the period ending on 31st March 2014.

(3) The Board is required to enter into any arrangement under the Scheme referred to in paragraph (1), after 31st December 2013, in respect of any part of the twelve month period ending 31st March 2014 only where paragraph (4) applies.

(4) The Board is required to enter into arrangements under the Scheme referred to in paragraph (1) after 31st December 2013, only where—

- (a) two or more GMS or PMS contracts (under at least one of which arrangements under the Scheme referred to in paragraph (1) had previously been entered into) merge and as a result two or more patient lists are combined, resulting in either a new GMS or PMS contract or a varied GMS or PMS contract, and the contractor who is a party to such a new or varied contract wishes to enter into new arrangements under the Scheme referred to in paragraph (1); or
- (b) a GMS or PMS contract (under which arrangements under the Scheme referred to in paragraph (1) had previously been entered into) splits and as a result the contractor's patient list is divided between two or more GMS or PMS contractors, resulting in either new GMS or PMS contracts or varied GMS or PMS contracts or a combination of both and a contractor who is a party to such a new or varied contract wishes to enter into new arrangements under the Scheme referred to in paragraph (1),

in which case the Board is required to enter into the new arrangements under the Scheme referred to in paragraph (1), and such arrangements must commence on or before the expiry of the period of 28 days beginning with the date of the merger or the split as the case may be.

(5) The Board must—

- (a) consider any proposals put forward by a GMS or PMS contractor which wishes to enter into arrangements under the Scheme referred to paragraphs (1) and (3) with a view to agreeing them;
- (b) not delay any such consideration unreasonably; and
- (c) not withhold its agreement unreasonably.

(6) The Board is not required to consider and reach a decision on any proposals in accordance with paragraphs (1) and (2) if the GMS or PMS contractor has failed to provide—

- (a) written proposals in response to the Board's offer to enter into arrangements within 42 days of the Board's offer; or
- (b) any information requested by the Board that it reasonably requires in order to ascertain whether the proposals meet its requirements.

(7) The arrangements that the Board enters into with a GMS or PMS contractor as part of its Patient Participation Scheme must be in writing and must include—

- (a) a requirement that the contractor establishes a Patient Reference Group comprising only of its registered patients if such a Group has not already been established in accordance with direction 12A (Patient Participation Scheme) of the Primary Medical Services (Directed Enhanced Services) (England) Directions 2010(a);
- (b) a requirement that the contractor uses its best endeavours to ensure its Patient Reference Group is representative of its registered patients;

(a) The Primary Medical Services (Directed Enhanced Services) (England) Directions 2010, signed on 3rd March 2010 and amended by the Primary Medical Services (Directed Enhanced Services) (England) (Amendment) Directions 2011, signed on 31st March 2011.

- (c) a requirement that the contractor, if it has not already done so, establishes a website to include information on the services provided by the contractor under the terms of the primary medical services contract no later than 28th February 2014;
- (d) a requirement that the contractor develops, in consultation with the Patient Reference Group, a local practice survey to obtain the views of a cross-section of the contractor's registered patients;
- (e) a requirement that the contractor agrees with the Patient Reference Group the issues which are a priority and which are to be included in a local practice survey and may include issues relating to—
 - (i) the accessibility to the primary medical services provided, including opening times, ability to make appointments in advance, waiting times at the practice and the effectiveness of telephone services;
 - (ii) the experience in respect of services which registered patients received from health professionals providing primary medical services and contact with other persons employed by the contractor;
 - (iii) the premises from which the contractor provides primary medical services; and
 - (iv) such other matters as may be agreed in order to assist the contractor to consider how the delivery of primary services may be improved;
- (f) a requirement that the contractor carries out and collates the findings of a local practice survey at least once during the period the arrangements under the Scheme referred to in paragraph (1) are in place;
- (g) a requirement that the contractor—
 - (i) informs the Patient Reference Group of the findings of the local practice survey;
 - (ii) provides an opportunity for the Patient Reference Group to comment and discuss the findings; and
 - (iii) agrees with the Patient Reference Group an action plan setting out priorities of findings and any proposals arising out of those findings;
- (h) a requirement that if, as a consequence of the findings or proposals arising out of the local practice survey, the contractor wishes to implement changes in the manner in which it delivers primary medical services, the contractor must—
 - (i) seek the agreement of the Patient Reference Group to implement such changes; and
 - (ii) where such changes are significant and the Patient Reference Group does not agree to such changes or the changes relate to, or impact on, the terms of the primary medical services contract, discuss the proposed changes with the Board and obtain agreement with the Board before such changes are implemented;
- (i) a requirement that the contractor provides a copy of a report to the Board (to be known as “the Local Patient Participation Report”) setting out the information specified in sub-paragraph (k);
- (j) a requirement that the contractor publishes a Local Patient Participation Report on the contractor's website no later than 31st March 2014;
- (k) a requirement that the contractor includes in the Local Patient Participation Report—
 - (i) a description of the profile of the members of the Patient Reference Group;
 - (ii) the steps taken by the contractor to ensure that the Patient Reference Group is representative of its registered patients and where a category of patients is not represented, the steps the contractor took in an attempt to engage that category;
 - (iii) details of the steps taken to determine and reach agreement on the issues which have priority and were included in the local practice survey;
 - (iv) the manner in which the contractor sought to obtain the views of its registered patients;

- (v) details of the action plan setting out how the finding or proposals arising out of the local practice survey can be implemented and, if appropriate, reasons why any such findings or proposals should not be implemented;
 - (vi) a summary of the evidence including any statistical evidence relating to the findings or basis of proposals arising out of the local practice survey;
 - (vii) details of the action which the contractor and, if relevant, the Board, intend to take as a consequence of discussions with the Patient Reference Group in respect of the results, findings and proposals arising out of the local practice survey;
 - (viii) the opening hours of the practice premises and the method of obtaining access to services throughout the core hours; and
 - (ix) where the contractor has entered into arrangements under an extended hours access scheme, the times at which individual health care professionals are accessible to registered patients;
 - (l) a requirement that the contractor consider whether any amendments are necessary to any of its published information relating to the services provided by the contractor as a consequence of the implementation of any changes following a finding or proposal arising out of the Local Practice Survey;
 - (m) details of the arrangements for the monitoring of the arrangements by the Board;
 - (n) in the case of PMS contractors, the amount of the payments to be made to the contractor for meeting its obligations under the arrangements, and in determining the appropriate level of those payments, the Board must have regard to the amounts of payments under section 10 of the Statement of Financial Entitlements,
- and the Board must, where necessary, vary the primary medical services contractor's primary medical services contract so that the arrangements comprise part of the contractor's contract and the requirements of the arrangements are conditions of the contract.

Promoting Quality and Innovation Scheme

12.—(1) The Board must offer—

- (a) to each GMS contractor; and
 - (b) to each PMS contractor for which it holds a list of registered patients,
- the opportunity to enter into a Promoting Quality and Innovation Scheme for the duration, or any part, of the period commencing on 1st April 2013 and ending on 31st March 2015.

(2) As part of its Promoting Quality and Innovations Scheme, the Board may enter into arrangements and such arrangements must, in respect of each financial year, include arrangements which relate to at least one (but the Board may where it considers it appropriate include in the arrangement all) of the following plans—

- (a) a risk profiling plan, the purpose of which is to ensure that the GMS contractor or PMS contractor manage and co-ordinate with other health professionals the care of patients who are predicted to be at significant risk of an unplanned admission to hospital and plan any necessary interventions to minimise such unplanned admissions^(a);
- (b) a dementia plan, the purpose of which is to ensure that the GMS contractor or PMS contractor have systems in place to enable a proactive approach—
 - (i) in respect of the assessment and diagnosis of those patients who are at risk and may present the early signs of dementia,
 - (ii) to improve the manner in which dementia is diagnosed including the promptness in diagnosis, and

(a) Contractors entering the scheme may use an IT software package which enables the compilation of patient data to produce a risk profile score. The score for an individual patient will be indicative as to whether the patient is at risk of unplanned hospital admission.

- (iii) in the care and support given to such patients who are diagnosed as suffering from dementia;
- (c) a remote care monitoring plan in respect of long term conditions as may be specified by the Board and which may include different conditions for different areas or contractors as specified by the Board, the purpose of which is ensure the GMS contractor or PMS contractor establish a system to enable patients to manage and monitor their own treatment and condition other than by attendance at the contractor's practice premises for a face to face consultation with a health care professional; and
- (d) an improved patient online access plan, the purpose of which is to encourage GMS contractors and PMS contractors to use the computer system and software it has to provide patients electronic access to a directory of services which are specified and agreed by the Board.

(3) The arrangements entered into relating to any of the plans referred to in paragraph (2) ("the relevant plan") must provide, in respect of each financial year, for the payment arrangements for the contractor agreeing and meeting its obligations under each relevant plan.

(4) The Board must, where necessary, vary the primary medical services contract of the contractor so that the relevant plan comprises part of the contractor's contract and the requirements of the relevant plan are conditions of the contract.

Revocations and savings

13.—(1) Subject to paragraph (2), the Primary Medical Services (Directed Enhanced Services) (England) (Amendment) Directions 2011(**a**) and the Primary Medical Services (Directed Enhanced Services) (England) Directions 2012(**b**) are revoked.

(2) Notwithstanding the revocation provided for in paragraph (1), the Primary Medical Services (Directed Enhanced Services) (England) Directions 2012 as in force immediately before 1st April 2013 continues to apply to the extent necessary to assess any entitlement to payment in respect of services provided under arrangements made in accordance with those Directions.

(3) For the purposes of paragraph (2) and for the resolution of any matter which is pending as at 31st March 2013—

- (a) the Board may do or continue to do anything which a Primary Care Trust could have done in relation to the arrangements under any Scheme referred to in the Primary Medical Services (Directed Enhanced Services) (England) Directions 2012; and
- (b) the transitional provisions in Schedules 1 and 2 of the National Health Service (Primary Medical Services) (Miscellaneous Amendments and Transitional Provisions) Regulations 2013(**c**) and in the Alternative Provider Medical Services Directions 2013(**d**) apply in so far as is necessary.

Signed by authority of the Secretary of State for Health



A member of the Senior Civil Service
Department of Health

27th March 2013

(a) The Primary Medical Services (Directed Enhanced Services) (England) (Amendment) Directions 2011, signed on 31st March 2011.
(b) The Primary Medical Services (Directed Enhanced Services) (England) Directions 2012, signed on 29th March 2012.
(c) S.I. 2013/363.
(d) These Directions are signed on 2013 and published on www.dh.gov.uk.