

SCHEDULE 5

OTHER CONTRACTUAL TERMS

PART 1

PROVISION OF SERVICES

Services to registered patients

1. Where the agreement provides for a contractor to provide essential services, the contractor must—

- (a) provide those services and such other services that it is required to provide to those patients, at such times, within core hours, as are appropriate to meet the reasonable needs of its patients; and
- (b) have in place arrangements for its patients to access such services throughout the core hours in case of emergency.

Premises

2. Subject to any plan which is included in the agreement for bringing the contractor's premises up to the required standard, the contractor shall ensure that the premises used for the provision of services under the agreement are—

- (a) suitable for the delivery of those services; and
- (b) sufficient to meet the reasonable needs of the contractor's patients.

Attendance at practice premises

3.—(1) The contractor shall take steps to ensure that any patient who—

- (a) has not previously made an appointment; and
- (b) attends at the contractor's premises during the normal hours for essential services,

is provided with such services by an appropriate health care professional during that surgery period except in the circumstances specified in sub-paragraph (2).

(2) The circumstances referred to in sub-paragraph (1) are that—

- (a) it is more appropriate for the patient to be referred elsewhere for services under the Act; or
- (b) he is then offered an appointment to attend again within a time which is appropriate and reasonable having regard to all the circumstances and his health would not thereby be jeopardised.

Attendance outside practice premises

4.—(1) In the case of a patient whose medical condition is such that in the reasonable opinion of the contractor—

- (a) attendance on the patient is required; and
- (b) it would be inappropriate for him to attend at the contractor's premises,

the contractor shall provide services to that patient at whichever in its judgment is the most appropriate of the places set out in sub-paragraph (2).

(2) The places referred to in sub-paragraph (1) are—

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- (a) the place recorded in the patient’s medical records as being his last home address;
 - (b) such other place as the contractor has informed the patient (and the relevant body) is the place where it has agreed to visit and treat the patient; or
 - (c) some other place in the contractor’s practice area.
- (3) Nothing in this paragraph prevents the contractor from—
- (a) arranging for the referral of a patient without first seeing the patient, in a case where the medical condition of that patient makes that course of action appropriate; or
 - (b) visiting the patient in circumstances where this paragraph does not place it under an obligation to do so.

Clinical reports

5.—(1) Subject to sub-paragraph (4), where the contractor provides any clinical services, other than under a private arrangement, to a patient who is not on its list of patients it shall prepare a clinical report relating to the consultation, and any treatment provided.

(2) Subject to sub-paragraph (4), the contractor (other than a Primary Care Trust) shall as soon as reasonably practicable, provide a copy of the clinical report to the relevant body.

(3) The relevant body shall send any report prepared by it under sub-paragraph (1) or received by it under sub-paragraph (2)—

- (a) to the person with whom the patient is registered for the provision of essential services (or their equivalent); or
- (b) if the person referred to in paragraph (a) is not known to it, to the Primary Care Trust, Local Health Board, Health Board or Health and Social Services Board, in whose area the patient is resident unless it is that Primary Care Trust.

(4) This paragraph does not apply in relation to out of hours services provided by a contractor which is required pursuant to paragraph 9 to comply with the quality standards referred to in that paragraph.

Storage of vaccines

6. The contractor shall ensure that—

- (a) all vaccines are stored in accordance with the manufacturer’s instructions; and
- (b) all refrigerators in which vaccines are stored have a maximum/minimum thermometer and that readings are taken on all working days.

Infection control

7. The contractor shall ensure that it has appropriate arrangements for infection control and decontamination.

Criteria for out of hours services

8. Except to the extent that the agreement otherwise provides, a contractor whose agreement includes the provision of out of hours services shall only be required to provide such services if, in the reasonable opinion of the contractor in the light of the patient’s medical condition, it would not be reasonable in all the circumstances for the patient to wait for the services required until the next time at which he could obtain such services during core hours.

Standards for out of hours services

9.—(1) A contractor which provides out of hours services to registered patients of another contractor or provider of essential services (or their equivalent) and who does not fall within sub-paragraph (2), must, in the provision of out of hours services, meet the quality standards set out in the document entitled “Quality Standards in the Delivery of GP Out of Hours Services” published on 20th June 2002⁽¹⁾.

(2) A contractor which has contracted to provide out of hours services only to patients which it provides essential services to under the agreement, must from 1st January 2005, in the provision of such out of hours services, meet the quality standards set out in the document entitled “Quality Standards in the Delivery of GP Out of Hours Services” published on 20th June 2002.

Duty of co-operation

10.—(1) A contractor which does not provide to its registered patients or to persons whom it has accepted as temporary residents—

- (a) a particular service; or
- (b) out of hours services, either at all or in respect of some periods or some services,

shall comply with the requirements specified in sub-paragraph (2).

(2) The requirements referred to in sub-paragraph (1) are that the contractor shall—

- (a) co-operate in so far as is reasonable with any person responsible for the provision of that service or those services;
- (b) comply in core hours with any reasonable request for information from such a person or from the relevant body relating to the provision of that service or those services; and
- (c) in the case of out of hours services, take reasonable steps to ensure that any patient who contacts the contractor’s premises during the out of hours period is provided with information about how to obtain services during that period.

(3) Nothing in this paragraph shall require a contractor whose agreement does not include the provision of out of hours services to make itself available during the out of hours period.

11. Where a contractor is to cease to be required to provide to its patients—

- (a) a particular service; or
- (b) out of hours services, either at all or in respect of some periods or some services,

it shall comply with any reasonable request for information relating to the provision of that service or those services made by the relevant body or by any person with whom the relevant body intends to enter into an agreement, general medical services contract or other contract for the provision of such services or any Primary Care Trust in whose area its registered patients reside.

(1) The document “Quality Standards in the delivery of GP Out of Hours Services” published on 20th June 2002 is published by the Department of Health on its website at www.doh.gov.uk/pricare/qualitystandards.htm or a copy may be obtained by writing to Primary Care, Room 7E28, Department of Health, Quarry House, Quarry Hill, Leeds LS2 7UE or by e-mailing OOHAccreditation@doh.gov.uk.