

EXPLANATORY MEMORANDUM TO
THE NATIONAL HEALTH SERVICE (GENERAL MEDICAL SERVICES
CONTRACTS AND PERSONAL MEDICAL SERVICES AGREEMENTS)
AMENDMENT (No.2) REGULATIONS 2014

2014 No. 2721

1. This explanatory memorandum has been prepared by The Department of Health and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This Instrument amends:-

2.1.1 The National Health Service (General Medical Services Contracts) Regulations 2004 (SI 2004/291)(GMS Contracts Regulations) which set out the framework for General Medical Services contracts.

2.1.2 The National Health Service (Personal Medical Services Agreements) Regulations 2004 (SI2004/627)(PMS Agreements Regulations) which set out the framework for Personal Medical Services agreements.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Context

4.1 The NHS (General Medical Services Contracts) Regulations and the NHS (Personal Medical Services Agreements) Regulations set out the core requirements to be included in contracts between GP practices and the NHS Commissioning Board (NHS England) for the provision of NHS primary medical services.

4.2 The terms of these arrangements are negotiated, between NHS Employers on behalf of NHS England and the General Practitioners Committee of the British Medical Association. As part of the agreement for 2014/15, it was agreed that providers of primary medical services would be required to offer their patients the opportunity to provide feedback about their experience of their visit to their GP practice through the national Friends and Family Test.

4.3 These regulations, SI 2014/xxx, amend the 2004 regulations to introduce a new provision which makes this a mandatory requirement on GP practices.

5. Territorial Extent and Application

5.1 This Instrument applies to England only.

6. European Convention on Human Rights

As the Instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- What is being done and why?

Friends and Family Test

7.1 The Friends and Family Test (FFT) is a feedback tool that supports the fundamental principle that people who use NHS services should have the opportunity to provide feedback on their experience that can be used to improve services. The proposed requirement is that practices must provide an opportunity for people who use the practice to give anonymous feedback through the FFT, except where it would be inappropriate to do so and to use the standard wording of the FFT question and the responses exactly, as set out below. NHS England has published advice on how feedback can be collected from people who may not be able to answer the FFT question on their own. The standard wording of the FFT is;

- *“How likely are you to recommend our GP practice to friends and family if they needed similar care or treatment?”*

7.2 Practices will also be required to include at least one follow up question which allows the opportunity to provide free text. This enables people to provide more detailed feedback about their care, if they wish to do so. As well as submit data, in the format required, to NHS England each month. Practices must submit monthly reports to NHS England that include at least:

- the number of responses in each category
- the number of responses collected by each method

7.3 In addition, practices will be required to publish their results locally. Practices can decide how they publish their results, but if they wish to publish free text comments locally, patients must be able to opt out of their comment being published. This could be presented as follows: 'please tick this box if you DO NOT wish your comments to be made public.'

Electronic repeat dispensing prescriptions

7.4 GPC and NHS Employers (on behalf of NHS England) have agreed that the mandatory requirement provided under Schedule 6, Part 3, paragraph 39A(3)(a) of the current GMS Regulations, should become optional.

7.5 One of the barriers to utilisation of electronic repeat dispensing, is the current requirements in the contract, to issue a patient with a form issued by the Board at the start of an electronic repeat dispensing prescription which records details of that electronic repeatable prescription (Schedule 6, Part 3, paragraph 39A(3)(a) of the current GMS Regulations).

7.6 This is a barrier to delivering the Electronic Prescription Service (EPS) because it prevents the prescriber from setting up electronic repeat dispensing prescription, unless the patient is present to be issued with the form. The patient is often not present during authorisation and, therefore, the patient is required to attend the surgery to be issued with the form. This is currently the default on all clinical prescribing systems with approval to use the EPS. The form takes the format of a bar-coded entry (referred to as a Repeat Authorisation (RA) token).

7.7 The requirement, to have the patient attend the GP surgery to be issued with the form, is preventing some prescribing sites from fully utilising electronic repeat dispensing. Some sites are reluctant to start using repeat dispensing until this requirement becomes optional. GPC and NHS Employers (on behalf of NHS England) have therefore agreed that this should become optional although provision should be made for a patient to receive a paper copy of the RA, prescription token or dispensing token if requested.

- Consolidation

The Department of Health is preparing consolidated GMS Contract Regulations and PMS Agreement Regulations with a view to publishing by 1 April 2015. The amendments in this Instrument will be included in those consolidated regulations.

8. Consultation outcome

The Department of Health has consulted the British Medical Association, the National Association of Primary Care, NHS Alliance, the Family Doctor Association and NHS Commissioning Board (NHS England). In relation to the Friends and Family Test, consultation also included the Royal College of General Practice, Clinical Commissioning Groups, third sector providers, GP practices and practice managers.

9. Guidance

Guidance on the Friends and Family Test has been issued by NHS England.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 There is no negative impact on the public sector.

10.3 An Impact Assessment has been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring and Review

12.1 Monitoring of GMS Contracts and PMS Agreements is the responsibility of the NHS Commissioning Board (NHS England).

13. Contact

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jenny.smith@dh.gsi.gov.uk can answer any queries regarding this Instrument.