

SCHEDULE 1

Regulation 2

Amendments to the GMS Contracts Regulations

General

1. The GMS Contracts Regulations are amended as follows.

Amendment of regulation 3A

2. In regulation 3A(1) (variation of core hours while a disease is or in anticipation of a disease being imminently pandemic etc.)(1) for “the Board may with the agreement of the Secretary of State make an announcement” substitute, “the Board with the agreement of the Secretary of State has made an announcement”.

Amendment of regulation 74E

3. In regulation 74E (NHS Digital Workforce Census)(2)—
 - (a) for the heading, substitute “NHS Digital Workforce Collection”;
 - (b) in paragraph (1) for “NHS Digital Workforce Census”, substitute “NHS Digital Workforce Collection”; and
 - (c) for paragraph (2) substitute—

“(2) The data referred to in paragraph (1) must be appropriately coded by the contractor in line with agreed standards set out in guidance published by the Health and Social Care Information Centre(3), and must be submitted to the Centre using the data entry module on the National Workforce Reporting System(4), which is a facility provided by the Health and Social Care Information Centre to the contractor for this purpose.”.

New regulation 74H

4. After regulation 74G (Medicines and Healthcare products Regulatory Agency Central Alerting System)(5), insert—

“Collection of data relating to appointments in general practice

74H.—(1) A contractor must participate in the collection of anonymised data relating to appointments for its registered patients (“practice appointments data”) in accordance with the “GP Appointments Data Collection in Support of Winter Pressures”(6) referred to in the Health and Social Care Information Centre (Establishment of Information Systems for NHS

(1) Inserted by [S.I. 2020/351](#).

(2) Inserted by [S.I. 2017/908](#).

(3) The Health and Social Care Information Centre (known as NHS Digital) is a body corporate established under section 252(1) of the Health and Social Care Act 2012 (c.7).

(4) The National Workforce Reporting System is the approved web tool made available by the Health and Social Care Information Centre to contractors for the purposes of submitting data online. Further information regarding the collection and recording of data by contractors for the purposes of the NHS Digital Workforce Survey is available at: http://bit.ly/NWRS_Webpage, or may be obtained by post from NHS Digital, 1 Trevelyan Square, Boar Lane, Leeds, West Yorkshire LS1 6AE.

(5) Inserted by [S.I. 2019/1137](#).

(6) Originally introduced in support of winter pressures and still referred to that way. NHS Digital: <https://digital.nhs.uk/about-nhs-digital/corporate-information-and-documents/directions-and-data-provision-notice/data-provision-notice-dpns/gp-appointments-data-collection-in-support-of-winter-pressures-version-2>. Hard copies can be obtained by post from NHS Digital, 1 Trevelyan Square, Boar Lane, Leeds S1 6AE.

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Services: General Practice Appointments Data Collection in Support of Winter Pressures) Directions 2017(7).

(2) The contractor must ensure that all practice appointments data relating to the provision of primary medical services under its contract is recorded within the appointment book in accordance with the guidance(8).

(3) The contractor must ensure that the practice appointments data is uploaded onto its computerised clinical systems and available for collection by the Health and Social Care Information Centre at such intervals during each financial year as notified to the contractor by the Centre.

(4) For the purposes of this regulation, “appointment book” means a capability provided by the contractor’s computerised clinical systems and software supplier which supports the administration, scheduling, resourcing and reporting of appointments.”.

Amendment of paragraph 11B of Part 1 of Schedule 3

5. In paragraph 11B(9) of Part 1 of Schedule 3 (direct booking by NHS 111)—
- (a) in its heading, after “NHS 111” insert “or via a connected service”;
 - (b) in sub-paragraph (1), after “or via a service” insert “(“a connected service”);”;
 - (c) in sub-paragraph (3)(a), (b), (c) and (d) (twice), after “NHS 111” insert “or via a connected service”; and
 - (d) in sub-paragraph (4), after “NHS 111” insert “or to a connected service”.

Amendment of paragraph 15A of Part 1 of Schedule 3

6. In paragraph 15A(3) of Part 1 of Schedule 3 (duty of co-operation: Primary Care Networks) omit “with a minimum population of 30,000 people”.

Amendment of paragraph 17 to Part 2 of Schedule 3

7. For paragraph 17 of Part 2 of Schedule 3 (list of patients), substitute—

“17.—(1) The Board must prepare and keep up to date a list of the patients who have been—

- (a) accepted by the contractor for inclusion in the contractor’s list of patients under paragraph 18 and who have not been subsequently removed from that list under paragraphs 23 to 31; and
- (b) assigned by the Board to the Contractor’s list of patients under—
 - (i) paragraph 39(1)(a), or
 - (ii) paragraph 39(1)(b) (by virtue of a determination of the assessment panel under paragraph 41(8) which has not subsequently been overturned by a determination of the Secretary of State under paragraph 42 or by a court).

(7) The Health and Social Care Information Centre (Establishment of Information Systems for NHS Services: General Practice Appointments Data Collection in Support of Winter Pressures) Directions 2017, which were signed on 15th September 2017, are made under section 254 of the Health and Social Care Act 2012 (c.7). See: <https://digital.nhs.uk/about-nhs-digital/corporate-information-and-documents/directions-and-data-provision-notices/data-provision-notices-dpns/gp-appointments-data-collection-in-support-of-winter-pressures-version-2>, or may be obtained by post from NHS Digital, 1 Trevelyan Square, Boar Lane, Leeds LS1 6AE.

(8) The guidance, entitled “More accurate General Practice data” can be found at: <https://www.england.nhs.uk/publication/more-accurate-general-practice-appointment-data-guidance/> or hard copies can be obtained by post from Primary Care Strategy and NHS Contracts Group, NHS England, Area 2D, Skipton House, 80 London Road, London SE1 6HL

(9) Inserted by S.I. 2019/1137 and amended by S.I. 2020/351.

- (2) The contractor must, upon receipt of a reasonable written request from the Board—
- (a) take appropriate steps as soon as is reasonably practicable, to correct and update patient data held on the practice’s computerised clinical systems, and where necessary register or deregister patients to ensure that the patient list is accurate; and
 - (b) provide information relating to its list of patients as soon as is reasonably practicable and, in any event, no later than 30 days from the date on which the request was received by the contractor, in order to assist the Board in the exercise of its duties under paragraph (1), contacting patients where reasonably necessary to confirm that their patient data is correct.”.

Amendment of paragraph 24 to Part 2 of Schedule 3

8. In paragraph 24 of Part 2 of Schedule 3 (removal from the list at the request of the contractor), omit paragraph (a) of sub-paragraph (4).

Amendment of paragraph 25 to Part 2 of Schedule 3

9. In paragraph 25 of Part 2 of Schedule 3 (removal from the list of patients who are violent)—
- (a) in sub-paragraph (1A), for “Where a contractor” substitute “Subject to sub-paragraph (1B), where a contractor”;
 - (b) after sub-paragraph (1A), insert—
 - “(1B) A contractor must not give notice to the Board pursuant to sub-paragraph (1A), where—
 - (a) a person mentioned in paragraph (1A) was allocated to a Violent Patient Scheme set up in accordance with direction 8 of the Primary Medical Services (Directed Enhanced Services) Directions 2020⁽¹⁰⁾ to receive primary medical services under that scheme, and
 - (b) the provider of the Scheme discharged that person because they were not considered to pose a risk of violence, or
 - (c) that person successfully appealed their allocation to a Violent Patient Scheme.”.

Amendment of paragraph 27 to Part 2 of Schedule 3

10. In paragraph 27(1) of Part 2 of Schedule 3 (removal from the list of patients who have moved), after “where the Board is satisfied”, insert “, or is notified by the contractor,”.

Amendment of paragraph 38 to Part 4 of Schedule 3

11. In paragraph 38 of Part 4 of Schedule 3 (application of this Part), substitute—
- “38.—(1) This Part applies in respect of the assignment by the Board of—
- (a) a person as a new patient to a contractor’s list of patients where that person—
 - (i) has been refused inclusion in a contractor’s list of patients or has not been accepted as a temporary resident by a contractor, and

(10) The Primary Medical Services (Directed Enhanced Services) Directions 2020 which were signed on 31st March 2020. These directions are available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/877304/des-directions-2020.pdf or hard copies can be obtained by writing to the GP Policy Team, Fourth Floor, 39 Victoria Street, London SW1H 0EU.

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- (ii) would like to be included in the list of patients of a contractor in whose CCG area that person resides; or
 - (b) any person who is part of a list dispersal resulting from the closure of a practice where that person—
 - (i) has not registered with another contractor, and
 - (ii) would like to be included in the list of patients of a contractor in whose CCG area that person resides; or
 - (c) any person who is part of a list dispersal resulting from the closure of a practice where that person has not registered with another contractor and the Board has been unable to contact that person.
- (2) In this paragraph, “list dispersal” means the allocation of patients from a contractor’s list of patients by the Board following termination of the contract or during the period set out in the notice of termination or agreement to terminate.”.

Insertion of new paragraph 40A to Part 4 of Schedule 3

12. After paragraph 40 of Part 4 of Schedule 3 (factors relevant to assignments), insert—

“Assignment of patients from outside practice area

40A. Where the Board has assigned a person to a contractor’s list of patients in accordance with this Part, and that person resides outside a contractor’s practice area, regulation 30(4), (5) and (6) (variation of contracts: registered patients from outside practice area) are to apply as if the contractor had accepted that patient onto its list of patients in accordance with regulation 30(1) unless a contractor chooses to include that person in its list of patients for its practice area on assignment by the Board.”.

Amendment of paragraph 44 to Part 5 of Schedule 3

13. In paragraph 44 of Part 5 of Schedule 3 (sub-contracting of clinical matters)—
- (a) in sub-paragraph (9) for “A sub-contract”, substitute, “Subject to sub-paragraph (9A), a sub-contract”; and
 - (b) after sub-paragraph (9), insert—

“(9A) A sub-contract entered into by the contractor may allow the sub-contractor to sub-contract clinical services the contractor has agreed to provide under the Network Contract Directed Enhanced Service Scheme, pursuant to direction 4 of the Primary Medical Services (Directed Enhanced Services) Directions 2020(11), provided the contractor obtains the written approval of the Board prior to the sub-contractor sub-contracting those services.

Amendment of paragraph 67 to Part 8 of Schedule 3

14. In paragraph 67(3) of Part 8 of Schedule 3 (other grounds for termination by the Board)—
- (a) after paragraph (u)(iii), omit “or”;
 - (b) at the end of paragraph (v) for “to deal with the matter.”, substitute “to deal with the matter; or”; and

(11) The Primary Medical Services (Directed Enhanced Services) (No. 2) Directions 2020, which were signed on 3rd September 2020. These directions are available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/914724/the-primary-medical-services-directed-enhanced-services-no-2-directions-2020.pdf or hard copies can be obtained by writing to the GP Team, Fourth Floor, 39 Victoria Street, London SW1H 0EU.”;

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(c) after paragraph (v), insert—

“(w) the contractor’s registration with the Care Quality Commission⁽¹²⁾ has been cancelled in accordance with section 17(1) of the Health and Social Care Act 2008⁽¹³⁾, and that cancellation is the final decision of the Commission, or, where an appeal has been launched, is the outcome of that appeal.”.

⁽¹²⁾ The Care Quality Commission is a body corporate established by section 1 of the Health and Social Care Act 2008 (c.14).

⁽¹³⁾ The Health and Social Care Act 2008 (c. 14). Section 17 has been amended by 2018/195 .