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WELSH STATUTORY INSTRUMENTS

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**2016 No. 90**

**The National Health Service (Primary Medical Services  
and Primary Dental Services) (Wales) (Amendment  
and Transitional Provision) Regulations 2016**

**PART 5**

**Amendment of the PDS Regulations**

**Amendment of regulation 9 of the PDS Regulations**

**14.** In regulation 9(7) (health service body status) for sub-paragraph (b) substitute the following sub-paragraph—

- “(b) paragraph (5), where it or the Relevant Body –
- (i) has referred any matter to the NHS dispute resolution procedure before it ceases to be a health service body, or
  - (ii) refers any matter to the NHS dispute resolution procedure, in accordance with paragraph 54(1)(a) of Schedule 3, after it ceases to be a health service body,
- the contractor is to continue to be treated as a health service body (and accordingly the contract is to continue to be regarded as an NHS contract) for the purposes of the consideration and determination of the dispute; or”.

**Amendment of Schedule 3 to the PDS Regulations**

**15.** In Schedule 3 to the GDS Regulations (other contractual terms), after paragraph 14 (telephone services), insert—

**“14A. – Cost of relevant calls**

(1) The contractor must not enter into, renew or extend a contract or other arrangement for telephone services unless it is satisfied that, having regard to the arrangement as a whole, persons will not pay more to make relevant calls to the practice than they would to make equivalent calls to a geographical number.

(2) Where a contractor is party to an existing contract or other arrangement for telephone services under which persons making relevant calls to the practice call a number which is not a geographical number, the contractor must comply with sub-paragraph (3).

(3) The contractor must—

- (a) before 1 March 2017, review the arrangement and consider whether, having regard to the arrangement as a whole, persons pay more to make relevant calls than they would to make equivalent calls to a geographical number; and
- (b) if the contractor so considers, take all reasonable steps, including in particular considering the matters specified in sub-paragraph (4), to ensure that, having

regard to the arrangement as a whole, persons will not pay more to make relevant calls than they would to make equivalent calls to a geographical number.

(4) The matters referred to in sub-paragraph (3)(b) are—

- (a) varying the terms of the contract or arrangement;
- (b) renegotiating the terms of the contract or arrangement; and
- (c) terminating the contract or arrangement.

(5) If, despite taking all reasonable steps referred to in sub-paragraph (3)(b), it has not been possible to ensure that, having regard to the arrangement as a whole, persons will not pay more to make relevant calls to the practice than they would to make equivalent calls to a geographical number, the contractor must consider introducing a system under which if a caller asks to be called back, the contractor will do so at the contractor's expense.

(6) In this paragraph—

- (a) “existing contract or other arrangement” means a contract or arrangement that was entered into prior to 1 March 2016 and which remains in force on 1 March 2016;
- (b) “geographical number” means a number which has a geographical area code as its prefix; and
- (c) “relevant calls” means calls—
  - (i) made by patients to the practice for any reason related to services provided under the contract, and
  - (ii) made by persons, other than patients, to the practice in relation to services provided as part of the health service.”

#### **Amendment of paragraph 54 of Schedule 3 to the PDS Regulations**

**16.** In paragraph 54 of Schedule 3 of the PDS Regulations (contractual terms - dispute resolution: non-NHS contracts), for sub-paragraph (1) substitute the following sub-paragraph—

“(1) In the case of a contract that is not an NHS contract, any dispute arising out of or in connection with the contract, except matters dealt with under the procedures for notifying concerns or making complaints pursuant to Parts 5A or 6 of this Schedule, may be referred for consideration and determination to the Assembly—

- (a) if it relates to a period when the contractor was a health service body, by the contractor or by the Local Health Board; or
- (b) in any other case, by the contractor or, if the contractor agrees in writing, by the Local Health Board.”

#### **Amendment of paragraph 63 of Schedule 3 to the PDS Regulations**

**17.**—(1) Schedule 3 of the PDS Regulations (other contractual terms), is amended as follows—

(2) In paragraph 63 (termination on the death of an individual) at sub-paragraph (1)—

- (a) substitute “seven days” with 28 days”; and
- (b) in paragraph (a), substitute “not exceeding three months” with “not exceeding six months”.

(3) In paragraph 63 (termination on the death of an individual) at sub-paragraph (2), substitute “the three month period referred to in sub-paragraph (1)(a)” with “the six months period referred to in sub-paragraph (1)(a)”.