

**Vaughan Gething AC/AM**  
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol  
Minister for Health and Social Services



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref MA-P-VG-3073-18

Dr Dai Lloyd  
Chair  
Health, Social Care and Sport Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

19 February 2019

Dear Dai,

You may recall that I wrote to you on 27 April 2018 in response to your letter of 21 March 2018 regarding the Health, Social Care and Sport Committee's one-day inquiry into the All Wales Medical Performers List on 7 March 2018.

In my letter to you of 27 April, I advised that I would keep you updated on any proposed changes to the Performers Lists following an analysis of the responses to the informal consultation on the NHS Wales Performers List. Accordingly, for information, please find attached the Government's response to the informal consultation which issued recently.

Yours sincerely,

**Vaughan Gething AC/AM**  
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol  
Minister for Health and Social Services

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

[Gohebiaeth.Vaughan.Gething@llyw.cymru](mailto:Gohebiaeth.Vaughan.Gething@llyw.cymru)  
[Correspondence.Vaughan.Gething@gov.wales](mailto:Correspondence.Vaughan.Gething@gov.wales)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Health and Social Services Group  
Y Grwp Iechyd a Gwasanaethau Cymdeithasol



Llywodraeth Cymru  
Welsh Government

Associate Medical Directors of Health Boards  
Medical Directors of Health Boards  
The Royal College of General Practitioners  
Prof Malcolm Lewis, Director of General Practice and Revalidation at the Wales Deanery  
Directors of Primary Care of Health Boards  
Chair, General Practitioners Committee Wales  
Chair, Welsh General Dental Practitioners Committee  
Chair, British Dental Association  
British Dental Association Wales National Director  
Director, Primary Care Services, NHS Wales Shared Services Partnership  
Local Community Health Councils  
Local Medical Committees  
Other Respondents to the Informal Consultation

Eich Cyf/Your Ref:  
Ein Cyf/Our Ref:

19 February 2019

Dear Colleagues

## **OPTIONS PAPER: NHS WALES PERFORMERS LIST**

I refer to the informal consultation on the above which issued on 29 November 2017 and closed on 8 February 2018. The purpose of the informal consultation was to identify measures to simplify the process for performers to perform primary medical and dental services in Wales.

### **Consultation Exercise**

Seven potential measures were presented as outlined below –

- Option 1 – Establish a UK or England/Wales Joint Performers List
- Option 2 – Establish a Single Wales Performers List
- Option 3 – Amend the current Regulations to allow a General Practitioner (GP) or General Dental Practitioner (GDP) Performer to be automatically listed on a LHB's List if they are already on a Primary Care Organisation's (PCO) performer list in England, Scotland or Northern Ireland, with no requirement to submit an application or provide relevant information and documentation

- Option 4 - Amend the current regulations to allow a GP or GDP already listed on a PCO list who completes the current streamlined application form to be immediately listed on the LHB list after consideration by the LHB of the information provided in that application (within 5 working days) without the need for further information being requested from England i.e. references, professional experience and a DBS enhanced criminal records certificate.
- Option 5 – Amend the current regulations to extend the 3 month grace period to 6 months for a GP or GDP to be listed immediately with the LHB on receipt and consideration of their application whilst further checks are undertaken.
- Option 6 - Do nothing and continue with the current arrangements.
- Option 7 – Continue with the current arrangements but amend the Regulations to allow a GP or GDP Performer to provide their own clinical references, professional experience and medical qualifications with their application to the Welsh Performers List if they so wish.

### **Consultees' Response**

Twenty seven responses were received on the consultation presenting a number of differing views. Twenty three of those responses were from individuals/organisations in North Wales and therefore the responses to the consultation are not representative of Wales as a whole. However, this may suggest particular problems in the North Wales area.

Of the 23 responses received from North Wales, 16 people supported Option 3 but many of those 16 responses gave no commentary/evidence as to why Option 3 was the preferred option.

The other seven responses from North Wales included four supporting Option 1 with two of these wanting to implement Option 3 in the interim; one indicating their preference to be Options 1, 4 and 5; one supporting Option 4; and one supporting Option 6 and stating it would not support Options 3, 4, 5 and 7 on governance grounds.

Of the four respondents outside North Wales, one did not specify an Option but put forward a list of legislative changes which would go some way to reducing the bureaucracy inside existing arrangements; one supported Options 1, 2 and 3 with no particular preference; one supported option 2 with a number of observations; and one supported Option 7.

Having reviewed all the consultation responses and taking into account the written and oral evidence given to the Health, Social Care and Sport Committee the Welsh Government's view on each of the seven options are as follows –

### **Welsh Government's Response**

- Option 1 – Establish a UK or England/Wales Joint Performers List

Given the practical difficulties outlined in the Options Paper and the need for agreement from all the devolved administrations for a UK list, along with primary legislation, this option is not feasible at this time.

- Option 2 – Establish a Single Wales Performers List

A single list for Wales would require a change to primary legislation i.e. the NHS (Wales) Act 2006. It would also require organisational changes so that a single all-

Wales body would be responsible for managing and monitoring the performers list and so that the functions of the reference panels can be effectively carried out.

As the 2006 Act currently stands, performers need only be on one LHB list to work in any LHB area in Wales. This therefore already creates an “all-Wales” system which facilitates movement across the LHB boundaries.

- Option 3 – Amend the current Regulations to allow a GP or GDP Performer to be automatically listed on a LHB’s List if they are already on a PCO performer list, with no requirement to submit an application or provide relevant information and documentation.

Since the consultation a National Audit Office (NAO) report (published 17 May 2018) found that patients could potentially have been put at risk because of problems with Capita’s administration of the performers list in England. Delays in processing new applications and making changes to existing performers, including whether GPs, dentists and optometrists practising in the NHS were suitably qualified and had passed other relevant checks, resulted in potential risks to patient safety, especially in cases where performers should have been removed from a list.

Allowing a performer registered in England to be listed automatically in Wales could therefore compromise patient safety. This reinforces the importance of undertaking our own checks and balances on those performers who wish to perform in Wales. We will not be pursuing this option.

- Option 4 - Amend the current regulations to allow a GP or GDP already listed on a PCO list who completes the current streamlined application form to be immediately listed on the LHB list after consideration by the LHB of the information provided in that application (within 5 working days) without the need for further information being requested from England i.e. references, professional experience and a DBS enhanced criminal records certificate.

The same response applies here as for Option 3.

- Option 5 – Amend the current regulations to extend the 3 month grace period to 6 months for a GP or GDP to be listed immediately with the LHB on receipt and consideration of their application whilst further checks are undertaken.

Welsh Government officials have contacted NHS Wales Shared Services Partnership (NWSSP) and confirmed that 100% of performers who have submitted a completed application with the relevant documentation have been provisionally listed on the performers list within five working days. Those performers are then free to perform primary care services whilst the further checks are undertaken. Of those performers provisionally listed, 97% were fully included in the performers list within 3 months. NWSSP have confirmed that delays can occur when a performer’s application is incomplete.

Given these statistics, there is not a compelling argument to extend the grace period to 6 months.

- Option 6 - Do nothing and continue with the current arrangements.

This is not an option as the consultation exercise has highlighted that we can improve upon current arrangements. Accordingly, we will be considering changes to the current arrangements.

- Option 7 – Continue with the current arrangements but amend the Regulations to allow a GP or GDP Performer to provide their own clinical references, professional experience and medical qualifications with their application to the Welsh Performers List.

We have considered this option and believe that there may be further simplifications to the process of obtaining clinical references, professional experience and medical qualifications for performers already listed in another area and who wish to apply to a new area. This is detailed below.

## **Proposals**

### *Reassignment of performers*

It is recognised that the requirement for a new application when an applicant moves from one LHB area in Wales to another increases the administrative burdens on performers. We will therefore pursue the possibility of providing a system of transfer or reassignment where a performer moves to a new LHB, subject to appropriate safeguards, to minimise burdens and delay. The details will be considered further.

### *Provision of references, professional experience and qualifications*

We believe that the application process could be streamlined by allowing an existing performer to provide either (i) the names and addresses of two clinical referees and updated professional experience and medical or dental qualifications; or (ii) their consent for the LHB to obtain previous clinical references, professional experience and qualifications from the PCO where the performer is currently listed. Alternatively the applicant could provide both (i) and (ii).

### *North Wales*

The consultation exercise has highlighted difficulties in North Wales. The position in North Wales will be kept under review and if difficulties continue, consideration will be given to identify any measures that could be put in place to ease the situation.

In addition, we have considered the list of legislative changes provided by one respondent and will amend the Regulations where appropriate, to take account of them to assist in reducing the bureaucracy in existing arrangements.

Yours sincerely



**Karin Philips**

**Deputy Director: Primary Care  
Primary Care Division**