

2016 No.11

THE NATIONAL HEALTH SERVICE (WALES) ACT 2006

The Low Vision Service Committee (Wales) Directions 2016

Made and coming into force on 5 April 2016

The Welsh Ministers, give the following Directions in exercise of the powers conferred by section 13(2)(c) and (4)(c) and 203(9) and (10) of the National Health Service (Wales) Act 2006 **(1)**.

Title, commencement and application

- 1.**—(1) The title of these Directions is the Low Vision Service Committee (Wales) Directions 2016.
(2) These Directions come into force on 5 April 2016.
(3) These Directions are given to Local Health Boards and apply in relation to Wales.

Interpretation

2.In these Directions –

“the Act” means the National Health Service (Wales) Act 2006;

“accreditation requirements” means the requirements in paragraph 11 of Schedule 1 to the Directions;

“host Local Health Board” means Hywel Dda University Local Health Board⁽²⁾;

“Local Health Board” means a Local Health Board established in accordance with section 11(2) of the Act.

“operational date” means 5 April 2016;

“the joint committee” means the Low Vision Service Wales Committee established under direction 3;

“the relevant functions” means arranging the provision of low vision assessments and rehabilitation support as outlined in the Low Vision Service Manual for persons who require such assessments and securing the provision of low vision aids to such persons;

“the Low Vision Services team” means staff employed by the host Local Health Board to exercise the relevant functions;

“Low Vision Service Accredited Practitioner” means a practitioner who satisfies all of the accreditation requirements;

“Low Vision Service Clinical Lead” means an optometrist who satisfies the accreditation requirements and who is appointed as the lead clinician to provide advice in relation to clinical matters in relation with the exercise of the relevant functions;

“Low Vision Service Manager” means the person appointed by the host Local Health Board to manage the administration of the relevant functions;

(1) 2006 c.42

(2) Established under section 11(2) of the Act.

“Low Vision Service Manual” means the service manual issued by the host Local Health Board in accordance with paragraph 6 of Schedule 1 to these Directions;

“Wales Optometric Committee” means the Wales Optometric Committee recognised by the Welsh Ministers under section 190 of the Act; and

“Wales Optometric Committee Statutory Advisory Group” means the advisory group established by the Wales Optometric Committee.

Directions to each Local Health Board

3.—(1) The Local Health Boards will jointly exercise the relevant functions.

(2) For the purpose of exercising the relevant functions the Local Health Boards will establish a joint committee as soon as practicable after 6 April 2016.

(3) The host Local Health Board will exercise its functions to provide administrative support for the running of the joint committee and establish the Low Vision Services team.

(4) The joint committee will ensure that the relevant functions are exercised in accordance with the service specification in Schedule 1 to these Directions.

Membership of the joint committee

4.—(1) The members of the joint committee consist of the chief executive or their representative of each of the seven Local Health Boards together with—

- (a) a chair;
- (b) a vice-chair who is an optometrist employed by one of the Local Health Boards or provides services under the National Health Service General Ophthalmic (Wales) Regulations 1986 and is approved by the Wales Optometric Committee Statutory Advisory Group;
- (c) Welsh Government representative(s);
- (d) Low Vision Service Manager ;
- (e) Low Vision Service Clinical Lead; and
- (f) officer members.

(2) The officer members consist of –

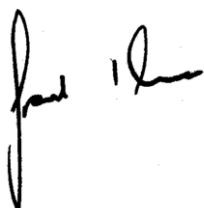
- (a) a member of each Local Health Board;
- (b) a deputy medical director; nominated by each of the Local Health Boards’ medical directors
- (c) a finance director or their representative of the host Local Health Board; and
- (d) Low Vision Service Wales Accredited Practitioner(s) nominated by the Welsh Optometric Committee Statutory Advisory Group.

(3) The chair in paragraph (1) may not be a member or member of staff of the host Local Health Board.

(4) Officer members in paragraph (2) will have such responsibilities as may be prescribed by the joint committee.

(5) In addition there will be two associate members who will be the chief executive of Optometry Wales, and the chief executive of the Community Health Councils Board or their representative. The associate members will be asked to attend the joint committee as appropriate and may not vote in any meetings or proceedings of the joint committee.

Signed by Dr Grant L Duncan, Deputy Director of Primary Care, under the authority of the Minister for Health and Social Service, one of the Welsh Ministers.



Dated: 5 April 2016

SCHEDULE 1

LOW VISION SERVICE WALES SERVICE SPECIFICATION

1 Interpretation

1.1 In this Schedule—

“annual budget plan” means the annual budget plan referred to in paragraph 2.3;

“the accreditation requirements” means the requirements set out in paragraph 11;

“accredited practitioner” means a practitioner who satisfies all of the accreditation requirements;

“the approved resources” means such resources of the host LHBs as the LVSW committee may from time to time approve in writing to be used for the purposes of the LVSW, such as members of the host LHBs’ staff and any accommodation, equipment and services used by them for those purposes;

“call-off contract” means a contract between the host LHB and a supplier of devices under which the host LHB is able to call upon the supplier to provide the LHBs, or such clients as the LHBs may nominate, with devices;

“client” means a person who lives in Wales and is registered as a patient with a general medical practitioner and who is identified by an accredited practitioner to have a visual impairment in line with the visual entry criteria for the LVSW service and who would benefit from holistic rehabilitation support and advice close to their place of residence and optical and non-optical aids as set out in the LVSW Manual, or by having been approved by prior request from an accredited practitioner to the LVSW clinical lead to have a visual impairment;

“LVSW clinical lead” means an optometrist who satisfies the accreditation requirements and who is appointed as the lead clinician to provide advice in relation to clinical matters in relation with the LVSW;

“conditions of supply” means the conditions set out in paragraph 12;

“device” means a device listed in Annex 1, the provision of which is intended to help a person with a visual impairment to mitigate or overcome difficulties that he or she experiences as a result of that impairment;

“device order” means an order form sent by a accredited practitioner to the host LHB requesting that a client be supplied with one or more devices and which must be in the order form (record card or follow up) set out in the LVSW Manual, or such other form as the LVSW committee may from time to time approve;

“dispose of” in relation to any thing includes transferring ownership, parting with possession, letting, hiring, or creating any security in or over the thing in question;

“financial year” means the period of 12 months beginning on 1 April in one year and ending on 31 March in the following year;

“first annual budget plan” means the annual budget plan for the financial year beginning on 1 April 2016;

“the host LHB” means the Hywel Dda University Local Health Board;

“includes”, “included” and “including” are to be construed without limitation;

“in-year budget plan” means the budget plan referred to in paragraph 2.11;

“the LHBs” means the all Local Health Boards in Wales (including Hywel Dda University Health Board);

“the LVSW” means the national Low Vision Service Wales which consists of arranging the provision of low vision assessments and rehabilitation support as outlined in the LVSW manual for clients and securing the provision of low vision aids to clients;

“the LVSW Manager” means the person appointed by the host Health Board to manage the administration of the LVSW;

“the LVSW Manual” means the service manual issued by the host LHB in accordance with paragraph 6 as amended from time to time, set out in Annex 2;

“the LVSW committee” means the joint committee established pursuant to direction 3(2);

“the LVSW SOP” means the LVSW’s standard operating procedures issued by the host LHB on behalf of the LVSW committee, as amended from time to time, set out in Annex 3;

“quarter” means each successive period of three months beginning on 1st April, 1st July, 1st October and 1st January;

“relevant accredited practitioner” in relation to a device and a client means the accredited practitioner who supplied that device to that client;

“relevant supplier” in relation to a device and a client means the supplier procured to deliver the devices in the catalogue, set out in Annex 1 via the accredited practitioner who supplied that device to that client;

“running costs” means such costs as the host LHB may reasonably incur in managing the delivery of the LVSW including staff and administration costs together with costs associated with the procurement and supply of devices; and

“the SSP” means the NHS Wales Shared Service Partnership who provide business and professional services on an all Wales basis to the LHBs.

2 Funding Arrangements

- 2.1 The LHBs are responsible for arranging the provision of low vision assessments and rehabilitation support for clients within their locality, including assessments of clients in their own home. The LHBs will receive funding within their general allocation for arranging the provision of low vision assessments. All other running costs relating to the LVSW, including the provision of low vision, will be met by the host LHB through its general allocation reflecting the total costs required to manage the delivery of the LVSW. Costs for the training and accreditation of accredited practitioners to undertake assessments will be met from the

Welsh Government training and development budget held by the Welsh Government
Ophthalmic policy branch.

- 2.2 The LHBs must not use the funding provided within their general allocation for the provision of low vision services for any other purpose. The host LHB must not use the funding provided within their general allocation for managing the delivery of the LVSW for any other purpose.
- 2.3 Each financial year the host LHB must submit an annual budget plan in the form set out in Annex 4, setting out the forecast running costs for that financial year to the LVSW committee for approval.
- 2.4 The host LHB will not incur any expenditure from the running costs until the LVSW committee has approved the annual budget plan.
- 2.5 The annual budget plan must:-
 - (a) be delivered to the LVSW committee by no later 31 January immediately preceding the beginning of the financial year in question;
 - (b) give full details of each item of expenditure together with an explanation of why the host LHB considers that expenditure to be necessary; and
 - (c) be monitored and reviewed to ensure reporting is delivered to the LVSW committee quarterly.
- 2.6 The LVSW committee must decide whether to approve or reject each item shown in the annual budget plan that has been delivered to them for approval and they will communicate their decision to the host LHB as soon as reasonably practicable having regard to all of the circumstances.
- 2.7 When considering whether to approve an annual budget plan, the LVSW committee may propose such modifications and conditions to the plan as they consider appropriate.
- 2.8 When the LVSW committee approve the budget plan, the host LHB will commence implementation immediately. If the LVSW committee is unable to agree and approve the budget plan, the LVSW committee will ask the Welsh Ministers to make the final decision of such modifications and conditions to the budget plan as they consider appropriate.
- 2.9 The budget plan must be signed off by the LVSW committee by no later than 31 March of the year preceding the year to which the budget plan relates.
- 2.10 Paragraph 2.5(a) does not apply to the first annual budget plan. The first annual budget plan must be delivered to the LVSW committee no later than 7 days prior to the LVSW committee's first meeting. The LVSW committee must approve the first annual budget plan no later than 30th September 2016.
- 2.11 If the host LHB is required to incur any additional expenditure which has not been approved by the LVSW committee in the annual budget plan, the host LHB must submit to the LVSW committee for approval an in-year budget plan giving full details of each item of expenditure together with an explanation of why the host LHB considers that expenditure to be necessary.
- 2.12 The LVSW committee must decide whether to approve or reject each item shown in any in-year budget plan that has been delivered to them for approval and they will communicate their decision to the host LHB as soon as reasonably practicable having regard to all of the circumstances.

- 2.13 While the LVSW continues, the host LHB must not without the prior written approval of the Welsh Ministers dispose of any accommodation or equipment included in the approved resources (whether or not to replace any of them).

Service delivery

- 3.1 The LHBs and the host LHB must not without the prior written approval of the Welsh Ministers:-
- (a) cease providing the LVSW or reduce provision locally or nationally of the LVSW; or
 - (b) reduce the standards and quality of care to below that outlined in the LVSW SOPs and LVSW Manual.
- 3.2 The LHBs must ensure that the LVSW is delivered in line with the clinical standards set out within the LVSW Manual and the LVSW SOP and/or any other clinical/quality measures agreed by the LVSW committee.
- 3.3 Where concerns, incidents, complaints occur as a consequence of the LVSW service provide by an accredited practitioner, the concerns will be investigated by the host LHB in line with the process set out in Appendix 1 of the LVSW Manual.

Call-off supplier contracts

- 4.1 The host LHB must enter into such call-off supplier contracts as are necessary to secure, so far as is reasonably practicable, that while these Directions remain in force the host LHB is able to obtain sufficient supplies of devices for it to be able to fulfil all device orders it receives.
- 4.2 In awarding any call-off supplier contract, the host LHB must comply with all applicable legal requirements including those relating to procurement of goods or services and the clinical requirements approved by the LVSW clinical lead after consultation with clients and accredited practitioners.
- 4.3 The host LHB must not issue any invitation to tender for the award of a call-off supplier contract, or award such a contract without the LVSW committees' prior written approval.

Low Vision Aid/Device Orders

- 5.1 The host LHB must:-
- (a) operate a system for processing all device orders it receives with the aim of ensuring that devices are supplied to clients as promptly and efficiently as possible so far as that lies within the control of the host LHB and in accordance with the provisions of this Schedule;
 - (b) ensure so far as reasonably practicable that all accredited practitioners are given details of the address to which they must send device orders and/or return devices no longer required for use by clients; and
 - (c) verify that any person who purports to be an accredited practitioner has satisfied the accreditation requirements and continues to do so at all material times.
- 5.2 The host LHB may instruct the relevant call-off contract supplier to send any device ordered by the LHBs under a call-off contract direct to the accredited practitioner who submitted the device order for that device.

5.3 The host LHB is responsible for paying all call-off supplier contracts.

Low Vision Service Wales Manual

- 6.1 The host LHB is responsible for drafting and publishing the LVSW Manual in consultation with the LHBs and accredited practitioners.
- 6.2 Before publishing any new or revised version of the LVSW Manual, the host LHB must obtain the prior written approval of the LVSW committee.
- 6.3 The LVSW committee must:-
 - (a) ensure that the host LHB complies with the provisions of the LVSW Manual and the LVSW SOPs; and
 - (b) ensure that the host LHB takes appropriate steps to ensure that accredited practitioners are familiar with the provisions of the LVSW Manual and the LVSW SOPs.

Reimbursement of LVSW accredited practitioner fee to LHBs

- 7.1 Following an assessment of a client, an accredited practitioner will send the record of assessment to the host LHB for authorisation. If authorised, the accredited practitioner will raise an invoice for that assessment and submit it to the SSP for payment. The SSP will examine the invoice and will either:
 - (a) accept the invoice and refer it for payment to the LHBs; or
 - (b) query the invoice with the host LHB.
- 7.2 No later than 30 days after the end of each quarter, the LHBs must send to the SSP a breakdown of all expenditure that each accredited practitioner has incurred during that quarter in providing the LVSW assessment in the particular LHB's area together with a detailed breakdown of how that expenditure is calculated.
- 7.3 The breakdown of expenditure must be in the form set out by the LVSW committee and may be amended from time to time.
- 7.4 No later than 30 days after the end of each quarter a full breakdown of expenditure, including patient demand and revenue will be produced by the host LHB for the LVSW committee including all call-off supplier contract charges paid by the host LHB, together with a detailed breakdown of how those costs and charges are calculated.
- 7.5. The LVSW committee will consider the information provided under paragraphs 7.2 and 7.4 with a view to monitoring the LVSW and client activity.

Audit

- 8.1 All expenditure incurred by LHBs relating to the LVSW will be subject to the usual internal and external audit arrangements for LHBs. All audit information is set out in the LVSW SOP.

Confidentiality and publicity

- 9.1 The LHBs and the host LHB is a data controller for the purposes of the Data Protection Act 1998 and must comply with all requirements of that Act.
- 9.2 The LHBs and host LHB must ensure that personal data is obtained and processed in a secure manner, and keep in place security measures designed to protect any personal data accessed or

processed by the host LHB staff from unauthorised or unlawful disclosure, unauthorised or unlawful processing, accidental loss, destruction or damage.

Contact points

- 10.1 All communications from the LHBs to the host LHB and/or the LVSW committee regarding any aspect of the LVSW must be made formally in writing and addressed to the LVSW, Hywel Dda Local Health Board, Teilo, Glangwili Hospital, Dolgwili Road, Carmarthen, SA 31 2AF. The LVSW Manager and the LVSW Clinical Lead will agree on the most appropriate course of action to answer all communications received and will provide a full written response or interim reply within 7 days and full written response as soon as practicably possible.

Accreditation requirements

- 11.1 In order to be an accredited practitioner, a practitioner must satisfy and continue to satisfy the following requirements, the practitioner must:
- (a) practise in Wales and be an optometrist, ophthalmic medical practitioner, or dispensing optician registered with the General Optical Council;
 - (b) successfully complete the requirements set out in the LVSW Manual;
 - (c) successfully complete any mandatory training and continuing development training required by the LVSW clinical lead, LVSW Manager and the LVSW committee;
 - (d) successfully complete the Low Vision Accreditation as set out in the LVSW Manual;
- 11.2 For the purpose of paragraph 11.1(d) “Low Vision Service Accreditation” means successful completion of post graduate modules OPT001 and OPT002 in low vision and any other training agreed from time to time by the LVSW clinical lead and outlined in the LVSW Manual.

Conditions of supply

- 12.1 The conditions of supply are as follows:
- (a) ownership of each device must be transferred from the relevant supplier to the LVSW host LHB before it is delivered to the relevant accredited practitioner for supply to a client;
 - (b) each device supplied to a client through the LVSW host LHB is on loan to the client and remains the property of the LVSW host LHB until such time as the LVSW host LHB transfers ownership of it to a third party or it is destroyed, whichever is the sooner; and
 - (c) accredited practitioners and clients must take reasonable care to avoid loss of or damage to devices supplied to them through the LVSW host LHB. Reasonable wear and tear will not be considered damage.
- 12.2 The host LHB must take such steps as are necessary to give effect to the conditions of supply including making appropriate arrangements with suppliers of devices (whether in their respective call-off supplier contracts or otherwise) and instructing accredited practitioners to ensure that every client who receives a device is made aware of the conditions of supply, explaining the conditions of supply to the client.

Annex 1

Low Vision Service Wales catalogue of low vision aids

Annex 2

Low Vision Service Wales Manual

Annex 3

Low Vision Wales Standard Operating Procedures