

2017 No. (W. 28)

**THE NATIONAL HEALTH SERVICE (WALES) ACT
2006**

**Directions to Local Health Boards as to the Statement of
Financial Entitlements (Amendment) (No.2) Directions 2017**

Made - - - -

9 August 2017

Coming into force

10 August 2017

The Welsh Ministers in exercise of the powers conferred on them by sections 45, 203(9) and (10) and 204(1) of the National Health Service (Wales) Act 2006⁽¹⁾, and after consulting in accordance with section 45(4) of that Act with the bodies appearing to them to be representative of persons to whose remuneration these Directions relate give the following Directions:

Title and commencement

1.—(1) The title of these Directions is the Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) (No.2) Directions 2017.

(2) These Directions come into force on 10 August 2017 but have effect from 1 April 2017.

(3) These Directions make amendments to the Directions to Local Health Boards as to the Statement of Financial Entitlements Directions 2013⁽²⁾.

Amendments to the Statement of Financial Entitlements Directions

2. The Directions to Local Health Boards as to the Statement of Financial Entitlements Directions 2013 which came into force on 11 June 2013, as amended by the Directions listed in Annex J at Schedule 1 to these Directions, are further amended as follows.

Amendment of Section 7 – Calculation of Quarterly Two-Year-Olds and Five-Year-Olds Immunisation Payments

3.—(1) In paragraph 7.10, for “65” substitute “63”.

(2) In paragraph 7.10(a), for “65”, substitute “63”.

(3) In paragraph 7.10(b), for “65”, substitute “63”.

(4) In paragraph 7.20, for “62”, substitute “63”.

(5) In paragraph 7.20(a), for “62”, substitute “63”.

(6) In paragraph 7.20(b) for “62”, substitute “63”.

(1) The National Health Service (Wales) Act 2006 (c.42).

(2) Directions to Local Health Boards as to the Statement of Financial Entitlements Directions 2013 (2013 No.8) as amended.

Amendment of Section 11 – Payments for GP Performers Covering Maternity, Paternity and Adoption Leave

4.—(1) For the heading before paragraph 11.3, substitute—

“Entitlement to payments for covering ordinary maternity leave, ordinary adoption leave and paternity and special leave”.

(2) For paragraph 11.3, substitute—

“11.3.—(1) Where a contractor actually and necessarily engages a locum or uses the services of a GP performer who is a party to the contract or who is already employed or engaged by the contractor (or more than one such person) to cover the absence of a GP performer on:

- (a) ordinary maternity leave for a period of no more than 26 weeks;
- (b) ordinary adoption leave for a period of no more than 26 weeks;
- (c) paternity leave for a period of no more than 2 weeks where the GP performer going on leave is not the main care provider; or
- (d) special leave for a period of no more than 2 weeks where the GP performer going on leave is not the main care provider,

the LHB must provide financial assistance to the contractor under its GMS contract in respect of the cost of engaging that locum (which will be the lower of the actual invoiced costs or the maximum amount as set out in paragraph 11.5) if it is satisfied that the conditions in subparagraph (2) are met.

(2) The conditions are:

- (a) the leave of absence is for more than one week;
- (b) the performer on leave is entitled to that leave either under—
 - (i) statute;
 - (ii) a partnership agreement or other agreement between the partners of a partnership; or
 - (iii) a contract of employment, provided that the performer on leave is entitled under their contract of employment to be paid their full salary by the contractor during their leave of absence; and
- (c) the contractor is not claiming another payment for locum cover in respect of the performer on leave pursuant to this Part.”

(3) After paragraph 11.3, insert —

“11.3A Discretionary payments for covering additional maternity leave and additional adoption leave

11.3A.—(1) Where a contractor actually and necessarily engages a locum or uses the services of a GP performer who is a party to the contract or who is already employed or engaged by the contractor (or more than one such person) to cover the absence of a GP performer on:

- (a) additional maternity leave (for a period of no more than 26 weeks, beginning on the date when the ordinary maternity leave period set out in paragraph 11.3(1)(a) ends); and
- (b) additional adoption leave (for a period of no more than 26 weeks beginning on the date when the ordinary adoption leave period set out in paragraph 11.3(1)(b) ends),

the LHB may provide financial assistance to the contractor under its GMS contract in respect of the cost of engaging that locum.

(4) In paragraph 11.4 for “by that right has been extinguished”, substitute “but that right has been extinguished”.

Amendment of Section 12 – Payments for Locums or GP Performers Covering Sickness Leave

5.—(1) For paragraph 12.3, substitute—

“**12.3.**—(1) Where a contractor actually and necessarily engages a locum or uses the services of a GP performer who is a party to the contract or who is already employed or engaged by the contractor (or more than one such person) to cover the absence of a GP performer on sickness leave the LHB must provide financial assistance to the contractor under its GMS contract in respect of the cost of engaging that locum (which will be the lower of the actual invoiced costs or the maximum amount as set out in paragraph 12.5), if it is satisfied that the conditions in subparagraph (2) are met.

(2) The conditions are:

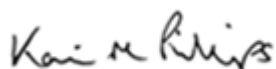
- (a) if the performer on sickness leave is employed by the contractor, the contractor must—
 - (i) be required to pay statutory sick pay to that performer; or
 - (ii) be required to pay the performer on leave their full salary during absences on sickness leave under their contract of employment,
- (b) if the GP performer’s absence is as a result of an accident, the contractor must be unable to claim any compensation from whoever caused the accident towards meeting the cost of engaging a locum to cover for the GP performer during the performer’s absence. But if such compensation is payable, the LHB may loan the contractor the cost of the locum, on the condition that the loan is repaid when the compensation is paid unless—
 - (i) no part of the compensation paid is referable to the cost of the locum, in which case the loan is to be considered a reimbursement by the LHB of the costs of the locum which is subject to the following provisions of this Section; or
 - (ii) only part of the compensation paid is referable to the cost of the locum, in which case the liability to repay shall be proportionate to the extent to which the claim for full reimbursement of the costs of the locum was successful; and
- (c) the contractor is not already claiming another payment for locum cover in respect of the performer on leave pursuant to Part 4.”

(2) After paragraph 12.3, insert—

“12.3A Discretionary payments for covering long-term sickness leave

12.3A.—(1) Where a contractor actually and necessarily engages a locum or uses the services of a GP performer who is a party to the contract or who is already employed or engaged by the contractor (or more than one such person) to cover the absence of a GP performer on sickness leave for a period of more than the maximum period in respect of which payments are payable by virtue of paragraph 12.6 (“long-term sickness leave”), the LHB may provide financial assistance to the contractor under its GMS contract in respect of the cost of engaging that locum.”

(3) In paragraph 12.10(f), omit “his”.



Signed by Karin Phillips, Deputy Director, Primary Care Division under the authority of the Cabinet Secretary for Health, Well-being and Sport, one of the Welsh Ministers

Date: 9 August 2017

ANNEX J

**Amendments to the Directions to Local Health Boards as to the Statement
of Financial Entitlements Directions 2013 which came into force on 11
June 2013**

- (a) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) Directions 2013 (2013 No.60), which were made on 30 September 2013;
- (b) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) Directions 2014 (2014 No.3), which were made on 16 June 2014;
- (c) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) (No. 2) Directions 2014 (2014 No.17), which were made on 27 June 2014;
- (d) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) (No. 3) Directions 2014 (2014 No.24), which were made on 30 September 2014;
- (e) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) Directions 2015 (2015 No.7), which were made on 31 March 2015;
- (f) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment No 2) Directions 2015 (2015 No.14), which were made on 01 April 2015;
- (g) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment No 3) Directions 2015 (2015 No.15), which were made on 20 April 2015;
- (h) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment No 4) Directions 2015 (2015 No.19), which were made on 25 June 2015;
- (i) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) (No.5) Directions 2015, which were made on 30 September 2015;
- (j) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) Directions 2016, which were made on 30 March 2016;
- (k) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) (No. 2) Directions 2016, which were made on 11 April 2016;
- (l) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) (No. 3) Directions 2016, which were made on 13 July 2016;
- (m) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) (No. 4) Directions 2016 (2016 No.19), which were made on 16 August 2016;
- (n) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) (No.5) Directions 2016 which were made on 15 December 2016;
- (o) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) (No. 6) Directions 2017 which were made on 31 January 2017; and
- (p) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) Directions 2017 which were made on 27 April 2017.