

## **Explanatory Memorandum to the National Health Service (General Medical Services Contracts) (Wales) (Amendment) Regulations 2026**

This Explanatory Memorandum has been prepared by Health, Social Care and Early Years and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

### **Cabinet Secretary's Declaration**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the National Health Service (General Medical Services Contracts) (Wales) (Amendment) Regulations 2026. I am satisfied that the benefits justify the likely costs.

**Jeremy Miles MS**  
**Cabinet Secretary for Health and Social Care**  
2 February 2026

## **PART 1**

### **1. Description**

1.1 The National Health Service (General Medical Services Contracts) (Wales) (Amendment) Regulations 2026 (“the Regulations”) amend the National Health Service (General Medical Services Contracts) (Wales) Regulations 2023 (“the 2023 Regulations”) to correct errors of a technical nature, or which are related to drafting convention and policy developments including those agreed as part of the 2024/25 GMS tripartite negotiations.

### **2. Matters of special interest to the Legislation, Justice and Constitution Committee**

2.1 These Regulations make changes in response to the Legislation, Justice and Constitution Committee’s report on the National Health Service (General Medical Services Contracts) (Wales) (Amendment) Regulations 2023 SL(6)437<sup>1</sup>.

2.2 Amendments have been made to take account of Technical Scrutiny points 1, 2, 5, 7 and 8. Merits Scrutiny point 9, was addressed via a Correction Slip - 2023 No. 953 (W. 155).

2.3 Contrary to the response to Technical Scrutiny point 2, as the opportunity to correct this has arisen, amendments have been made in order to provide absolute clarity as to the intention of the provision.

2.4 In addition, regards Technical Scrutiny point 6, the 2023 Regulations were amended correctly, that is it is only in the first place in paragraph 66(1) that has been amended to “sub-paragraph”. Accordingly, an amendment is no longer needed to paragraph 66(1).

### **3. Legislative background**

3.1 The National Health Service (General Medical Services Contracts) (Wales) (Amendment) Regulations 2026 will be made pursuant to the Welsh Ministers’ powers under sections 7(8), 41(5) and (6), 43, 44, 47, and 203(9) and (10) of the National Health Service (Wales) Act 2006.

3.2 The Regulations are being made under the Senedd annulment procedure.

### **4. Purpose and intended effect of the legislation**

4.1 The General Medical Services (GMS) contract is held between Local Health Boards (LHBs) and GMS Contractors to deliver primary medical services. The 2023 Regulations sets out what primary medical services are to be delivered by GMS Contractors.

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<sup>1</sup> <https://business.senedd.wales/mgIssueHistoryHome.aspx?IIId=42605>

4.2 The effect of the Regulations is to correct errors of a technical nature, or which are related to drafting convention in the 2023 Regulations as raised by the LJCC. The Regulations also take account of policy developments including those agreed as part of the 2024/25 General Medical Services (GMS) annual tripartite negotiations between Welsh Government, Local Health Boards (LHBs) and the General Practitioners Committee (Wales) (GPC(W)), the representative body of GPs.

### Key Changes

#### Covid Anti-viral treatments

4.3 Change to the treatment pathway that will enable eligible patients to contact their GP practice (or the GP Out of Hours Service) when/if they test positive for Covid, to be clinically assessed, and for covid antiviral treatment i.e. Paxlovid to be prescribed and dispensed from within primary care if deemed appropriate.

4.4 This ensures vulnerable patients can be assessed and receive appropriate Covid-19 treatment quickly and closer to home.

#### Learning Disabilities

4.5 Learning disabilities (LD) has been defined which qualifies a person to be on the GP LD register and sets out the primary medical services that all people with LD should expect to receive under the unified contract.

4.6 This includes, as part of unified services an offer of an annual patient care review that should be conducted by the contractor. This also includes:

- Developing and maintaining a register
- Integrating health checks into personal health records
- Engaging with carers and support workers
- Liaising with relevant local support services
- Informing patients and carers of local and national voluntary support groups

4.7 People with learning disabilities, as a group, have much greater health needs than the general population. This provision is therefore designed to monitor and treat the health of this population in a more rigorous manner to overcome the consequences of their disability.

4.8 In addition, as part of the contractor's annual return under paragraph 93 of Schedule 3 of the 2023 Regulations, the contractor must provide to the Local Health Board:

- the total number of patients on the LD register;
- number of health checks offered; and
- number of health checks completed.

### Frailty Indexing

4.9 The contractor must, as a minimum, undertake a frailty assessment as part of chronic disease annual review, on appropriate patients, utilising the Rockwood assessment tool. The contractor may also take the opportunity to assess patient frailty during other interactions during the year.

4.10 The contractor must update the patient's medical record with appropriate coding once diagnosis has been confirmed.

4.11 This will improve the care of patients who are frail, by increasing identification and awareness, to promote clinically appropriate care and advice.

### Ethnicity Recording

4.12 The contractor must record the ethnicity of their patients, using the ethnic group categories in the national minimum dataset questionnaire for new patients and to record this information in the patient's medical record.

4.13 This will inform population needs assessments, service planning and support the reduction of health inequalities.

### NHS Wales app

4.14 The contractor must, or if not yet onboarded, must once onboarded, enable the repeat prescribing functionality within the NHS Wales app, to allow patients to order repeat prescriptions.

### Welsh identity verification service (WIVS)

4.15 WIVS is an essential component in the registration process for the NHS Wales App. For those unable to verify their identity online, the contractor must support patients requiring assistance with the Welsh Identity Verification Service process to enable patients to access the NHS Wales App.

### Electronic Patient Records – Good Practice Guidelines

4.16 This amendment updates the guidance reference within the patient record provisions to require that contractors have signed an undertaking that they must have regard to the guidelines contained in “The Good Practice Guidelines for GP electronic patient records - (GPGv5)”, published on 20th September 2023.

In addition, a further provision has been included so that contractors are compliant with the “Welsh Information Governance Toolkit”.

4.17 This is intended to ensure practices have regard to the updated version of the guidance and compliance against national Information Governance standards and legislation.

### Annual Return and Review

4.18 The amendment in the Regulations clarifies the position and brings the provision in line with the Unified Contract Assurance Framework.

4.19 Following the annual return from a Contractor to an LHB, the LHB will now determine whether a formal face to face review is necessary.

4.20 Aside from that, a further provision will be included in the Regulations to introduce triennial reviews to be consistent with the Unified Contract Assurance Framework.

4.21 This ensures a face-to-face review with each contractor at least every three years for the LHB to assure themselves of the performance of the contractor in relation to the contract.

#### Workforce Reporting System

4.22 Paragraph 88 of Schedule 3 of the 2023 Regulations have been amended due to the Wales National Workforce Reporting System being replaced with the Primary Care Workforce Intelligence System.

4.23 This will ensure that Contractors continue to access, review and update the workforce elements in the current system at least once a month.

4.24 The Regulations specify the following requirements:

- Recording all new starters and leavers
- Access, review and update their dashboard view on a monthly basis

#### Malaria Chemoprophylaxis

4.25 When the 2023 Regulations were made, thereby revoking the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004, inadvertently the following provision was not included in the 2023 Regulations.

4.26 The contractor may demand or accept (directly or indirectly) a fee or other remuneration for prescribing or providing drugs or medicines for malaria chemoprophylaxis.

4.27 The Regulations re-inserts this provision.

#### Patient Records

4.28 On a recommendation from the Patient Medical Records Task and Finish Group, comprising of representatives from the NHS, Welsh Government and GPC(W), it was agreed to amend the patient records provision to remove the need to routinely print the electronic patient record (EPR) when a patient becomes deceased, or their record is held in suspense.

4.29 GP practices will therefore retain the EPR until such time a request is received (deceased record) or the patient registers with a GP practice (suspense record).

4.30 This will benefit GP practices due to the time, effort and cost it takes to print the EPR and is also environmentally friendly.

#### Dementia Review

4.31 Omitted from the 2023 Regulations in error was for the extraction of data in relation to the percentage of patients diagnosed with dementia whose care has been reviewed in person or if clinically appropriate via telephone or remote video consultation in a face to face review in the preceding 15 months.

4.32 This provision is now included in the Regulations.

#### Contribution to clusters and GP Collaboratives

4.33 Paragraph 18(a) of the 2023 Regulations has been amended so that a contractor must contribute relevant information, including demand and capacity planning to the cluster plan rather than the cluster Integrated Medium Term Plan via the GP Collaborative.

#### Demand and capacity

4.34 Paragraph 19(e) of the 2023 Regulations has been amended so that a contractor is required to engage with a GP Collaborative to assist the collaborative in providing evidence of the demand and capacity assessment undertaken which is to be evidenced in the cluster plan rather than the GP Collaborative Integrated Medium-Term Plan.

### **5. Consultation**

5.1 As the amendments relate to correction of errors of a technical nature raised by the LJCC, tidying up/updating amendments and that the policy amendments have been agreed through negotiations between Welsh Government, LHBs and GPC(W), no formal consultation was undertaken on the Regulations. However, a 3 week stakeholder engagement exercise which included a draft of the Regulations was undertaken with the LHBs, NHS Wales Shared Services Partnership and GPC(W) for their consideration.

## **PART 2 – REGULATORY IMPACT ASSESSMENT**

### **6. Regulatory Impact Assessment (RIA)**

#### **Introduction**

6.1 The General Medical Services (GMS) contract is held between Local Health Boards (LHB) and GMS Contractors to deliver primary medical services to patients in Wales. The contract sets out the specific services that GMS Contractors are required to deliver, ensuring a consistent standard of care is provided.

6.2 Unified Services are the core services, contained within the 2023 Regulations, which all GMS contractors are responsible for delivering to all registered patients of the practice.

6.3 These cover the:

- management of patients who are ill or believe themselves to be ill, with conditions from which recovery is generally expected, for the duration of that condition, including relevant health promotion advice and referral as appropriate, reflecting patient choice wherever practicable;
- general management of patients who are terminally ill;
- management of chronic disease in accordance with national guidance and accepted best practice, in discussion with the patient;
- cervical screening;
- contraceptive services;
- vaccinations and immunisations;
- child health surveillance;
- maternity services - excluding intra partum care;
- the minor surgery procedures of curettage, cautery, cryocautery of warts and verrucae where clinically appropriate.

6.4 Tripartite negotiations are undertaken annually between Local Health Boards, Welsh Government and the General Practitioners Committee (Wales) (GPC(W)), the GPs representative body, to agree changes to the GMS contract to respond to policy developments and changes in healthcare needs and priorities.

#### **Proposal**

6.5 The effect of the Regulations is to correct errors of a technical nature, or which are related to drafting convention in the 2023 Regulations as raised by the LJCC. The Regulations also take account of policy developments including those agreed as part of the 2024/25 General Medical Services (GMS) annual tripartite negotiations between Welsh Government, Local Health Boards (LHBs) and the General Practitioners Committee (Wales) (GPC(W)), the representative

body of GPs.

## **7. Options**

### Option 1

7.1 Business as usual.

7.2 This option would have the effect of not correcting errors in the 2023 Regulations or making the amendments to the 2023 Regulations to take account of policy developments including those agreed as part of the 2024/25 tripartite negotiations.

### Option 2

7.3 Make the Regulations.

7.4 This option will ensure that the 2023 Regulations are up to date taking account of errors and policy developments to deliver high levels of quality care to persons registered with GP practices in Wales. This is the preferred option.

## **8. Costs and benefits**

### Option 1

8.1 Business as usual.

#### Benefit

8.2 Patients registered with GP practices in Wales will not benefit from the latest policy developments to enhance the levels of care that patients receive.

#### Costs

8.3 This would be cost neutral.

### Option 2

8.4 Make the Regulations.

#### Benefit

8.5 Patients registered with GP practices in Wales will benefit by receiving a high-quality service in response to the changes made to the 2023 Regulations to take account of policy developments.

#### Cost

8.6 This would be cost neutral.



## **9. Competition Assessment**

9.1 The making of the Regulations has no impact on the competitiveness of businesses, charities, or the voluntary sector.

## **10. Post implementation review**

10.1 There will be continuous monitoring as set out in the 2023 Regulations and if necessary, through the routine annual negotiations between Welsh Government, the General Practitioners Committee (Wales) and LHBs future amendments could be made to the 2023 Regulations.