

## POLICY NOTE

### THE NATIONAL HEALTH SERVICE (GENERAL MEDICAL SERVICES CONTRACTS AND PRIMARY MEDICAL SERVICES SECTION 17C AGREEMENTS) (MISCELLANEOUS AMENDMENTS) (SCOTLAND) REGULATIONS 2023

#### SSI 2023/281

The above instrument was made in exercise of the powers conferred by sections 17E, 17N, and 105(7) of the National Health Service (Scotland) Act 1978 and all other powers enabling them to do so. The instrument is subject to negative procedure.

#### **Purpose of the instrument.**

To amend the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018 and the National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2018 (“the Contract and Agreement Regulations 2018”) to enable prisoners to apply to register with a GP prior to their release from a custodial setting.

#### **Policy Objectives**

At present the Contract and Agreement Regulations 2018 enable GPs to refuse an application to join a practice from a prospective patient if that patient does not live in the GP practice area. The effect of this for prisoners means that they are unable to register with a GP until after their release from custody, which can present delays to registration and access to healthcare.

It is recognised that allowing prisoners to apply to register with a GP in the community prior to their release safeguards continuity of care during the early stages of their rehabilitation. Such a move would build on work undertaken during 2018 to clarify the patient registration process to ensure that it is being conducted fairly and equitably for all patients, including people recently liberated from prison. It would also address the recommendation in the Health and Sport Committee on Healthcare in Prisons (published 10 May 2018) on the need to ensure prisoners were registered with a GP surgery after their release.

Release from prison is a challenging time for prisoners. Uncertainties at the time of release, for example regarding future home address, can make communication between integrated and community healthcare services more difficult. Problems arising upon release from prisons include prisoners leaving without sufficient quantities or with the wrong medication, without being registered with a GP in the community, and without an assessment of their social care needs, despite receiving care in prisons.

The amendments in the Regulations will ensure that a prisoner who will live in the GPs catchment area on release cannot be refused from applying to register. The Scottish Government will provide guidance on the registration of prisoners to support practices in this respect.

In addition the regulations make a minor amendment to the Contract Regulations to remove a redundant interpretation provision.

### **EU Alignment Consideration**

Following research in to EU legislation regarding patient registration for primary care services and the release of persons from a custodial setting, it has been concluded that there are no considerations in respect of EU alignment in relation to this change.

### **Consultation**

A scoping exercise was undertaken in 2019 with a wide range of stakeholders including the British Medical Association (BMA), Royal College of General Practitioners (RCGP), Healthcare Improvement Scotland (HIS), the Scottish Prison Service (SPS), Social Work Scotland and Voluntary Health Scotland, with feedback overwhelmingly positive.

The 2018 Scottish general and primary medical services contracts (which the Contract and Agreement Regulations 2018 underpin by setting out required contractual terms) was developed collaboratively through negotiation between the Scottish Government and Scottish General Practice Committee of the British Medical Association (the “SGPC”), as the parties authorised to negotiate the general medical services contract and primary medical services agreement in Scotland.

### **Impact Assessments**

A Child Rights Wellbeing Impact Assessment was completed and is attached. It has found that this will have a positive contribution to the wellbeing of children and young people in Scotland.

An Equality Impact Assessment, encompassing health equalities, and child rights and welfare has been completed on the policy and is attached. It has found that as the Regulations are intended to apply equally to all those affected by its provisions: the policy will not have a detrimental effect on people with protected characteristics or people within other assessed populations, such as those living in rural areas or areas of deprivation, on the basis of that characteristic.

In terms of SEA and the Scottish Government’s statutory obligations under the Environmental Assessment (Scotland) Act 2005 (“the 2005 Act”), it is considered that the Regulations and wider policy are likely to have no or minimal effects on the environment and can be exempted under Section 7 of the 2005 Act. A pre-screening notification was therefore submitted to the Consultation Authorities (SNH, SEPA and Historic Environment Scotland), and added to the SEA Database. As the Regulations implement that wider policy, no further assessment has been required.

## **Financial Effects**

The Cabinet Secretary for NHS Recovery, Health and Social Care confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government  
Primary Care Directorate  
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