

SCHEDULE 2

CONSEQUENTIAL AND TRANSITIONAL PROVISIONS

Amendment of the National Health Service (General Ophthalmic Services) Regulations 1986

1.—(1) Schedule 1 (Terms of Service) to the National Health Service (General Ophthalmic Services) Regulations 1986(1) is amended as follows.

(2) Before paragraph 8A (Complaints) insert—

“Complaints and Concerns

8ZA

(1) A contractor must have in place—

(a) arrangements for the handling and consideration of complaints about any matter connected with the provision of general ophthalmic services which comply with the provisions of paragraph 8A for the handling and consideration of any complaints—

(i) which were made prior to 1 April 2011; and

(ii) in respect of which the complaints process has not yet been completed, and

(b) arrangements which comply with the requirements of the National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) Regulations 2011, for the handling and consideration of any concerns notified on or after 1 April 2011. References in paragraphs 8B and 8C to a concern are to a concern notified in accordance with those Regulations.”

(3) For the heading relating to paragraph 8A (Complaints) substitute —

“Complaints received prior to 1 April 2011”;

(4) For paragraph 8B substitute the following—

“Co-operation with investigations

8B

(1) A contractor must co-operate with any investigation of a complaint or a concern in relation to any matter reasonably connected to the contractor’s provision of general ophthalmic services undertaken by a “relevant body”, which includes—

(a) the Local Health Board;

(b) the Welsh Ministers; or

(c) the Public Services Ombudsman for Wales.

(2) The co-operation required by sub-paragraph (1) includes—

(a) answering questions reasonably put to the contractor by a relevant body;

(b) providing any information relating to the complaint or concern reasonably required by a relevant body; and

(c) attending any meeting to consider the complaint or the concern (if held at a reasonably accessible place and at a reasonable hour, and due notice has been given), if the contractor’s presence is reasonably required by a relevant body.”

(5) For the heading to paragraph 8C and paragraphs 8C(1) and (2), substitute the following—

(1) S.I.1986/975.

Status: This is the original version (as it was originally made).

“Complaints made against and concerns notified about ophthalmic medical practitioners

8C

(1) Where a contractor who, being an ophthalmic medical practitioner, also performs primary medical services under a GMS contract for any person for whom he provides general ophthalmic services, the complaints procedure or procedure for notifying concerns established and operated in accordance with the terms of that GMS contract shall apply in relation to any matter reasonably connected with his provision of general ophthalmic services as it applies as respects the provision of services under the GMS contract.

(2) Accordingly, any requirement as to co-operation with investigations of complaints or concerns by other bodies imposed on a GMS contractor under the term of his contract which gives effect to paragraph 95 of Schedule 2 to the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004 also applies in relation to complaints or concerns about such matters.”.