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STATUTORY INSTRUMENTS

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**2014 No. 2721**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The National Health Service (General Medical Services Contracts and Personal Medical Services Agreements) (Amendment No.2) Regulations 2014**

*Made - - - - 13th October 2014*  
*Laid before Parliament 17th October 2014*  
*Coming into force in accordance with regulation 1(2)*

The Secretary of State for Health, in exercise of the powers conferred by sections 84(3)(c), 89(1) and (2)(a), 94(1) and 272(7) and (8) of the National Health Service Act 2006(1), makes the following Regulations.

**PART 1**

**General**

**Citation, commencement and interpretation**

1. (1) These Regulations may be cited as the National Health Service (General Medical Services Contracts and Personal Medical Services Agreements) (Amendment No.2) Regulations 2014.

(2) They come into force on 10th November 2014 except regulations 3 and 5 which come into force on 1st December 2014.

(3) In these Regulations—

“the GMS Contracts Regulations” means the National Health Service (General Medical Services Contracts) Regulations 2004(2); and

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(1) [2006.c.41](#). The National Health Service Act 2006 (“the Act”) was amended by the Health and Social Care Act 2012 (c.7). Relevant amendments to sections 84, 89 and 94 were made by Schedule 4, paragraphs 31, 34 and 38. See section 275(1) of the Act for the meaning given to “prescribed” and “regulations”. The powers exercised in making these Regulations are exercisable by the Secretary of State in relation to England only, by virtue of section 271(1) of the Act.

(2) [S.I. 2004/291](#); as amended by [S.I. 2004/865](#), 906 and 2694, [S.I. 2005/893](#) and 3315, [S.I. 2006/501](#), [S.I. 2007/3491](#), [S.I. 2008/1700](#), [S.I. 2009/309](#), 2205 and 2230, [S.I. 2010/22](#), 231 and 578, [S.I. 2012/970](#), 1479, 1909, 1916 and 2404, [S.I. 2013/363](#) and [S.I. 2014/465](#).

“the PMS Agreements Regulations” means the National Health Service (Personal Medical Services Agreements) Regulations 2004(3).

## PART 2

### Amendment of Schedule 6 to the GMS Contracts Regulations

#### Amendment of paragraph 39A of Schedule 6 to the GMS Contracts Regulations

2. In Schedule 6 to the GMS Contracts Regulations(4) (other contractual terms), in paragraph 39A (electronic prescriptions)—

- (a) after the words “issue the patient” in sub-paragraph (3)(a) insert “, if the patient so requests,”; and
- (b) for the words “if he so requests” in sub-paragraph (3)(b) substitute “if the patient so requests”.

#### Insertion of new paragraph 76ZA into Schedule 6 to the GMS Contracts Regulations

3. In Schedule 6 to the GMS Contracts Regulations (other contractual terms), after paragraph 76 (practice leaflet), insert—

##### “Friends and Family Test

**76ZA.** (1) A contractor must give all patients who use the contractor’s practice the opportunity to provide feedback about the service received from the practice through the Friends and Family Test.

(2) The contractor must—

- (a) report the results of completed Friends and Family Tests to the Board; and
- (b) publish the results of such completed tests at local level,

in the manner approved by the Board(5)

(3) In this paragraph, “Friends and Family Test” means the arrangements that a contractor is required by the Board to implement to enable its patients to provide anonymous feedback about the patient experience at the contractor’s practice.”

## PART 3

### Amendment of Schedule 5 to the PMS Agreements Regulations

#### Amendment of paragraph 38A of Schedule 5 to the PMS Agreements Regulations

4. In Schedule 5 to the PMS Agreements Regulations(6) (other contractual terms), in paragraph 38A (electronic prescriptions)—

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- (3) S.I. 2004/627; as amended by S.I. 2004/906 and 2694, S.I. 2005/893, 3315, 3491, S.I. 2006/501, S.I. 2007/3491, S.I. 2008/1700, S.I. 2009/309, 2205 and 2230, S.I. 2010/22, 231, 234, 478, 578 and 1621, S.I. 2012/970, 1479, 1909, 1916 and 2404, S.I. 2013/363 and S.I. 2014/465.
  - (4) Paragraph 39A of Schedule 6 was inserted by S.I. 2005/893 and was amended by S.I. 2007/3491 and S.I. 2013/363.
  - (5) S.I. 2004/291; as amended by S.I. 2004/865, 906 and 2694, S.I. 2005/893 and 3315, S.I. 2006/501, S.I. 2007/3491, S.I. 2008/1700, S.I. 2009/309, 2205 and 2230, S.I. 2010/22, 231 and 578, S.I. 2012/970, 1479, 1909, 1916 and 2404, S.I. 2013/363 and S.I. 2014/465.
  - (6) Paragraph 38A of Schedule 5 was inserted by S.I. 2005/893 and was amended by S.I. 2007/3491 and S.I. 2013/363.

- (a) after the words “issue the patient” in sub-paragraph (3)(a) insert “, if the patient so requests.”; and
- (b) for the words “if he so requests” in sub-paragraph (3)(b) substitute “if the patient so requests”.

### **Insertion of new paragraph 72ZA into Schedule 5 to the PMS Agreements Regulations**

**5.** In Schedule 5 to the PMS Agreements Regulations (other contractual terms), after paragraph 72 (contractor’s leaflet) insert—

#### **“Friends and Family Test**

**72ZA.** (1) A contractor which provides essential services must give all patients who use the contractor’s practice the opportunity to provide feedback about the service received from the practice through the Friends and Family Test.

(2) The contractor must—

- (a) report the results of completed Friends and Family Tests to the Board; and
- (b) publish the results of such completed tests at local level,

in the manner approved by the Board<sup>(7)</sup>

(3) In this paragraph, “Friends and Family Test” means the arrangements that a contractor which provides essential services is required by the Board to implement to enable its patients to provide anonymous feedback about the patient experience at the contractor’s practice.”.

Signed by authority of the Secretary of State for Health.

13th October 2014

*Earl Howe*  
Parliamentary Under-Secretary of State  
Department of Health

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(7) See guidance in this area published on the Board’s website at <http://www.england.nhs.uk/wp-content/uploads/2014/07/fft-gp-summ-14.pdf>.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the National Health Service (General Medical Service Contracts) Regulations 2004 (S.I. 2004/291) (“the GMS Contracts Regulations”) and the National Health Service (Personal Medical Services Agreements) Regulations 2004 (S.I. 2004/627) (“the PMS Agreements Regulations”) which make provision in respect of the services provided under a general medical services contract and a personal medical services agreement made pursuant to provision in Part 4 of the National Health Service Act 2006 (primary medical services). They apply in relation to England only.

Part 2 of the Regulations makes amendments to Schedule 6 to the GMS Contracts Regulations which relates to contractual terms.

Regulation 2 amends paragraph 39A(3) of Schedule 6 which makes provision in respect of electronic prescriptions. The amendment makes it optional (at the request of the patient), in the case of electronic repeatable prescriptions, for a contractor to issue to a patient a form provided by the National Health Service Commissioning Board (“the Board”) for the purpose of recording details of an electronic prescription issued to that patient.

Regulation 3 inserts a new paragraph 76ZA into Schedule 6 which introduces a requirement on contractors to give their patients the opportunity to complete the Friends and Family Test by which patients are able to provide anonymous feedback about the service received at the contractor’s practice. Contractors are also required to report the results of the completed tests to the Board and to publish those results at local level in the manner approved by the Board (as published in guidance on the Board’s website).

Part 3 of the Regulations makes similar amendments to corresponding provision in the PMS Agreements Regulations. Regulation 4 amends paragraph 38A(3) of Schedule 5 in respect of electronic prescriptions. Regulation 5 inserts a new paragraph 72ZA into Schedule 5 in respect of the Friends and Family Test.