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Health and Social Services Group  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ  

27 November 2015

Proposed amendments to the National Health Service (Performers Lists) (Wales) Regulations 2004

Dear Ms Cooper-Jones  

I am writing on behalf of BMA Cymru Wales in response to the Welsh Government’s informal consultation on proposed amendments to the National Health Service (Performers Lists) (Wales) Regulations 2004.  

The British Medical Association (BMA) is an independent professional association and trade union representing doctors and medical students from all branches of medicine all over the UK and supporting them to deliver the highest standards of patient care. We have a membership of over 153,000, which continues to grow every year. BMA Cymru Wales represents over 7,500 members in Wales from every branch of the medical profession. 

As you may be aware, we previously highlighted the difficulties caused by having separate Performers Lists in England and Wales in the evidence we submitted in 2014 to an inquiry by the House of Commons Welsh Affairs Committee on cross-border health arrangements between England and Wales. We explained in that evidence that there had been a negative impact on recruitment to GP practices in Wales due to GPs on the English Performers List not being immediately able, as a result, to take up vacancies that may exist within practices in Wales. We also said that having separate lists can prevent GP colleagues in nearby practices on either side of the border from simply being able to cover for each other. Thirdly, we pointed out that having separate lists also limits the availability of locums for border
practices, as locums on the English Performers List aren’t then easily able to undertake shifts in Welsh practices and vice versa.

We were therefore pleased by the commitment made by the Welsh Minister for Health and Social Services when he gave oral evidence to the inquiry saying that he would move to amend the regulations to remove barriers to GPs providing services on either side of the border. We also note the recommendation subsequently put forward by the Welsh Affairs Committee in its inquiry report calling on the UK Department of Health to work with its counterparts in the devolved administrations to establish a single Performers List for GPs across the UK.

We fully appreciate that moving to a single UK Performers List is not something that the Welsh Government has the power to deliver on its own and we note that the UK Department of Health has expressed significant reservations. Whilst we hope that agreement for a single list will in time be reached between the respective governments, we are nonetheless very supportive of the current proposals being put forward by the Welsh Government. We recognise that these represent immediate steps that can be taken to assist in dealing with the issues we raised.

We therefore express our support for the proposals now being consulted on. In particular, we would like to express our support for:

- The streamlined Performers List application form which has already been introduced.
- The proposed amendment to the 2004 regulations to allow a GP or dentist to be included immediately on a LHB Performers List on receipt of their application, whilst the NHS Wales Shared Services Partnership (NWSSP) undertakes further checks.
- The proposed amendment to enable extended criminal record certificates that are no more than three years old to be accepted, rather than the current requirement for them to be no more than six months old.
- The proposed amendment removing the need for a GP or dentist to provide details of their medical qualifications with their application.

Lastly, we would wish to express our gratitude for being given the opportunity to respond to this consultation.

Yours sincerely,

Rodney Berman
Senior Policy Executive