

NATIONAL HEALTH SERVICE ACT 2006

The National Health Service (Performers Lists) Directions 2010

The Secretary of State, in exercise of powers conferred by section 8 of the National Health Service Act 2006(a), gives the following Directions:

Citation, commencement, application and interpretation

1.—(1) These Directions may be cited as the National Health Service (Performers Lists) Directions 2010 and come into force on 1st April 2010.

(2) These Directions are given to Primary Care Trusts in England and apply in relation to England.

(3) In these Directions—

“the Regulations” means the National Health Service (Performers Lists) Regulations 2004(b);

“applicant” means a person who applies for inclusion on a performers list and “application” is to be construed accordingly;

“performer” means a person included, or formerly included, on a performers list;

“performers list” means a list which a Primary Care Trust is under a duty to prepare and publish by virtue of regulation 3 of the Regulations.

Review of procedures in relation to applications for inclusion on a performers list

2.—(1) Each Primary Care Trust must review its procedures for processing applications.

(2) The review under paragraph (1) must cover the Primary Care Trust’s arrangements—

- (a) for verifying the identity of applicants;
- (b) for checking that information provided by, or in relation to, the applicant in relation to their application is complete, accurate and authentic;
- (c) for satisfying itself that the applicant intends to perform services which those included on a performers list perform in the Primary Care Trust’s area; and
- (d) for satisfying itself that the applicant has the knowledge of English necessary to perform services which those included on a performers list perform in that area.

Review of procedures in relation to notifications and disclosure of information

3.—(1) Each Primary Care Trust must review its procedures for—

- (a) notifying persons and bodies about applicants and performers in accordance with regulation 16 of the Regulations; and
- (b) disclosing information about applicants and performers in accordance with regulation 20 of the Regulations.

(2) The review under paragraph (1)(b) must cover the Primary Care Trust’s procedures for disclosing information about an applicant or performer—

- (a) where it receives a request for information about the applicant or performer from another Primary Care Trust or from a UK health services body; and

(a) 2006 c.41.

(b) S.I.2004/585 as amended by S.I.2005/502, 893 and 3491, 2006/635 and 1385, 2008/1187 and 2010/22, 234 and 412.

- (b) where it receives information that an applicant or performer is included on the performers list of another Primary Care Trust or any equivalent list published and maintained by a UK health services body.
- (3) In paragraph (2), “UK health services body” means—
- (a) a Local Health Board in Wales;
 - (b) a Health Board in Scotland; or
 - (c) a Health and Social Services Board in Northern Ireland.

Review of procedures for keeping performers lists up to date

4.—(1) Each Primary Care Trust must review its procedures for keeping its performers lists up to date.

(2) The review under paragraph (1) must, in particular, cover the Primary Care Trust’s procedures relating to the removal from a performers list of performers who cannot demonstrate that they have performed the services, which those included in the relevant performers list perform within the area of the Primary Care Trust, during the preceding 12 months.

Date for completion of reviews

5. The reviews referred to in directions 2(1), 3(1) and 4(1) must be completed by 1st July 2010.

Action following review

6.—(1) Following each such review referred to in directions 2 to 4, the Primary Care Trust must consider whether, in the light of the review, those procedures need to be amended with the objective of minimising the risk to the public from performers.

(2) Where the Primary Care Trust considers that those procedures need to be amended having regard to the objective specified in paragraph (1), it must—

- (a) amend those procedures; and
- (b) implement the amended procedures at the earliest opportunity and in any event, by 31st March 2011.

Requirement to draw up procedures

7.—(1) Where a Primary Care Trust has no procedures referred to in directions 2(1), 3(1) or 4(1), it must draw up such procedures.

(2) Those procedures must cover the matters specified respectively in directions 2(2), 3(2) and 4(2).

(3) The procedures drawn up under paragraph (1) must be implemented at the earliest opportunity and in any event, by 31st March 2011.

Further review of procedures

8. Primary Care Trusts must review, or as the case may be, further review, the procedures referred to in directions 2(1), 3(1) and 4(1) at regular intervals and in particular when—

- (a) the Regulations have been amended; or
- (b) further directions concerning the Regulations have been given by the Secretary of State.

Disclosure of information about applicants

9. Where—

- (a) an application is not proceeded with or is withdrawn; or

(b) any information, references or documentation is not supplied pursuant to a request under regulation 4(7) of the Regulations or is not supplied within the period specified in that request,

the Primary Care Trust must consider disclosing those facts to the Secretary of State in accordance with regulation 20(1)(a) of the Regulations.

Signed by authority of the Secretary of State for Health

A handwritten signature in blue ink, appearing to read 'Bennett', is displayed on a light blue rectangular background.

A member of the Senior Civil Service

23 March 2010