

NATIONAL HEALTH SERVICE ACT 1977

PRIMARY CARE TRUST (CHILDHOOD IMMUNISATION PROGRAMME) DIRECTIONS 2006

The Secretary of State for Health, in exercise of the powers conferred by sections 17 and 18(3) of the National Health Service Act 1977^(a), gives the following Directions:

Citation, commencement and application

1.—(1) These Directions, which may be cited as the Primary Care Trust (Childhood Immunisation Programme) Directions 2006, shall come into force on 22nd November 2006.

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

(3) In these Directions—

“the Act” means the National Health Service Act 1977;

“childhood vaccinations and immunisations additional service” means the services described in paragraph 5(2) of Schedule 2 to the National Health Service (General Medical Services Contracts) Regulations 2004 ^(b);

“CMO letter of 12th July 2006” means the letter dated 12th July 2006 from the Chief Medical Officer, the Chief Nursing Officer and the Chief Pharmaceutical Officer concerning Important Changes to the Childhood Immunisation Programme;

“GMS contractor” means a person with whom a Primary Care Trust is entering or has entered into a general medical services contract;

“PMS contractor” means a person with whom a Primary Care Trust is entering or has entered into section 28C arrangements which require the provision by that person of primary medical services;

“provider of primary medical services” means any person who is entering into or has entered into arrangements under—

- (a) section 28Q of the Act;
- (b) section 28C of the Act;
- (c) section 16CC(2)(a) of the Act; or
- (d) section 16CC(2)(b) of the Act

for the provision of primary medical services to registered patients;

“registered patient” means—

- (a) a person who is recorded by the Primary Care Trust as being on the list of patients of a provider of primary medical services; or
- (b) a person whom a provider of primary medical services has accepted for inclusion on its list of patients, whether or not notification of that acceptance has been received by the Primary Care Trust and who has not been notified by the Primary Care Trust as having ceased to be on that list; and

(a) 1977 c. 49. Section 17 was substituted by the Health Act 1999 (c.8) (“the 1999 Act”), section 12 and amended by the Health and Social Care Act 2001 (c.15), Schedule 5, paragraph 5 and the National Health Service Reform and Health Care Professions Act 2002 (c.17), Schedule 1, paragraph 7; section 18(3) was amended by the Health Authorities Act 1995 (c.17), section 3(8) and Schedule 1, paragraph 9(c) and the 1999 Act, section 12(4).

(b) 2004/291 as amended by S.I. 2004/2694, 2005/893 and 3315 and 2006/1501.

“Statement of Financial Entitlements” means any directions given by the Secretary of State under section 28T of the Act (a).

Arrangements for the administration of recommended vaccinations

2. A Primary Care Trust shall ensure that arrangements are in place in its area to provide, so far as reasonably possible, that all children in the categories identified in the CMO letter of 12th July 2006 and who are registered patients of any provider of primary medical services within its area are offered the opportunity to receive the vaccinations identified in that letter and in accordance with the provisions set out in that letter.

Registered patients of GMS contractors

3. In respect of children who are registered patients of a GMS contractor which is contracted to provide the childhood vaccinations and immunisations additional service, the Primary Care Trust’s obligation under direction 2 is discharged where it makes available payments to that GMS contractor in accordance with the provisions set out in Sections 8A and 8B of the Statement of Financial Entitlements.

Other registered patients

4. In discharging the obligation under direction 2 a Primary Care Trust may—

- (a) make arrangements with—
 - (i) a PMS contractor in respect of its registered patients; or
 - (ii) a person with whom a Primary Care Trust is making or has made contractual arrangements for the provision of primary medical services under section 16CC(2)(b) of the Act in respect of its registered patients;
- (b) where it is providing primary medical services under sections 28C or 16CC(2)(a), make arrangements to offer the vaccinations itself to its registered patients;
- (c) make arrangements with any person in respect of children who are not registered patients of that person; or
- (d) make arrangements to offer the vaccinations itself to children who are not its registered patients.

5. If a Primary Care Trust makes arrangements under direction 4(a) it must ensure that those arrangements provide—

- (a) for the inclusion of the amounts of the payments to be made under those arrangements and in determining the appropriate level of such payments, the Primary Care Trust must have regard to the provisions relating to the amounts of payments payable under Sections 8A and 8B of the Statement of Financial Entitlements;
- (b) for the inclusion of provisions relating to—
 - (i) the eligibility for payment, and
 - (ii) the conditions to be attached to such paymentand in determining such provisions the Primary Care Trust must have regard to the provisions relating to conditions to be attached to such payments contained in Sections 8A and 8B of the Statement of Financial Entitlements; and
- (c) for any vaccines administered under the arrangements to be administered in accordance with the recommendations set out in the CMO letter of 12th July 2006.

(a) Section 28T was inserted by the Health and Social Care (Community Health and Standards) Act 2003 (c.43), section 175.

6. If a Primary Care Trust makes arrangements under direction 4(b) or direction 4(d) it must ensure that any vaccines administered under those arrangements are administered in accordance with the recommendations set out in the CMO letter of 12th July 2006.

7. If a Primary Care Trust makes arrangements under direction 4(c) it must ensure that those arrangements provide—

- (a) for the inclusion of the amounts of any payment to be made under those arrangements;
- (b) for the inclusion of appropriate provisions relating to the eligibility for payment;
- (c) for the inclusion of any conditions with which the provider must comply, and in determining any such conditions the Primary Care Trust must have regard to the provisions of Sections 8A.21 and 8B.14 of the Statement of Financial Entitlements and
- (d) for any vaccines administered under the arrangements to be administered in accordance with the recommendations set out in the CMO letter of 12th July 2006.

Signed by authority of the Secretary of State for Health

A handwritten signature in black ink, appearing to read 'R. Armstrong', written over a horizontal line.

Richard Armstrong
Department of Health
A member of the Senior Civil Service

21st November 2006