

**2010 No. 45**

**National Health Service (Wales) Act 2006**

**The Directions to the Cardiff and Vale University Local Health Board as to the Diabetic Retinopathy Screening Service for Wales 2010**

*Made* XXXX 2010

*Coming into force* 31<sup>st</sup> October 2010

The Welsh Ministers, in exercise of the powers conferred by section 12(3), 203(9) and (10), and 204(1) of the National Health Service (Wales) Act 2006<sup>(1)</sup> (“*the Act*”) give the following directions.

**Title and commencement**

1.—(1) The title of these Directions is the Directions to The Cardiff and Vale University Local Health Board as to the Diabetic Retinopathy Screening Service for Wales 2010.

(2) These Directions come into force on 31<sup>st</sup> October 2010.

**Directions as to exercise of functions**

2.—(1) The Cardiff and Vale University Local Health Board is directed to exercise the relevant functions in accordance with the provisions of the Schedule.

(2) In paragraph (1), “the relevant functions” means functions under—

(a) sections 1 and 2 of the Act in so far as they are exercisable in relation to ophthalmic services, and

(b) sections 71 to 77 of the Act.

Signed by [*name*] [*position*] under the authority of the Minister for Health and Social Services, one of the Welsh Ministers.

Dated:

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(1) 2006 c.42.  
(2) 2009 No.18.

## SCHEDULE

### THE DIABETIC RETINOPATHY SCREENING SERVICE FOR WALES

#### Interpretation

1. In this Schedule—

“*approved resources*” means such resources of the LHB as the Welsh Ministers may from time to time approve in writing to be used for the purposes of the DRSSW, such as (a) the screening facilities, and (b) members of the LHB’s staff and any accommodation, equipment and services used by them for those purposes;

“*budget plan*” means a budget plan referred to in paragraph 2.3.

“*dispose of*” in relation to any thing includes transferring ownership, parting with possession, letting, hiring, or creating any security in or over the thing in question;

“*DRS examination*” means an eye examination for the purpose of detecting symptoms of diabetic retinopathy;

“*the DRSSW*” means the Diabetic Retinopathy Screening Service for Wales established by the Welsh Ministers;

“*eligible person*” means a patient, registered with a general practitioner (GP) within the Wales NHS, who has been diagnosed as suffering with Type 1 or 2 Diabetes and who has been referred for screening under the DRSSW by a GP or by the Hospital Eye Service (HES);

“*financial year*” means the period of 12 months beginning on 1<sup>st</sup> April in one year and ending on 31 March in the following year;

“*includes*”, “*included*” and “*including*” are to be construed without limitation;

“*the LHB*” means the Cardiff and Vale University Local Health Board;

“*quarter*” means each successive period of three months beginning on 1 April each year;

“*reimbursement request*” means a request for re-imburement made by the LHB under paragraph 4.1;

“*running costs*” such costs as the LHB may reasonably incur in providing the DRSSW, including (a) staff costs, (b) the cost of operating, maintaining and repairing the screening facilities (so far as those costs are not already met by the Welsh Ministers or a third party), (c) administrative costs incurred in arranging appointments for eligible persons, and (d) such other costs as the Welsh Ministers may specify in writing; and

“*the screening facilities*” means the static facility for centralised administration and grading situated at 1 Fairway Court, Upper Boat, Treforest (South East Wales base); Units 9 and 22 (garages for the safe storage of screening vehicles) at St Anne’s Block, St David’s Parc, Carmarthen (screening venue and regional base for West Wales); Llys Britannia, Parc Menai Bangor (North Wales regional base); and the mobile facilities for diabetic retinopathy screening, all of which are operated by the LHB for the purposes of the DRSSW.

### **Approved resources**

- 2.1 The LHB is responsible for all running costs relating to the DRSSW but is entitled to reimbursement of them from the Welsh Ministers in accordance with paragraph 4.
- 2.2 While the DRSSW continues, the LHB must not without the prior written approval of the Welsh Ministers dispose of any accommodation or equipment included in the approved resources; or dispose of the screening facilities; or acquire any additional screening facilities (whether or not to replace any of the existing screening facilities).
- 2.3 If the LHB plans to incur capital expenditure on approved resources during a financial year it must, submit a budget plan to the Welsh Ministers for approval before such expenditure is incurred.
- 2.4 The budget plan must:-
  - (a) be delivered to the Welsh Ministers by no later 1 January immediately preceding the beginning of the financial year in question; and
  - (b) give full details of each item of capital expenditure together with an explanation of why the LHB considers that expenditure to be necessary.
- 2.5 The Welsh Ministers will decide whether to approve or reject each item shown in any budget plan that has been delivered to them for approval and will communicate their decision to the LHB as soon as reasonably practicable having regard to all of the circumstances.
- 2.6 When considering whether to approve a budget plan, the Welsh Ministers may propose such modifications and conditions to the plan as they consider appropriate.

- 2.7 If the LHB wishes to incur capital expenditure on approved resources but is not able to comply with paragraph 2.4(a) because of unforeseen circumstances (such as equipment failure), it may submit an urgent request for approval to the Welsh Ministers, in which case paragraphs 2.4(b) to 2.6 will apply to that request as if it were a budget plan delivered in accordance with paragraph 2.4(a).
- 2.8 In acquiring any new approved resources, the LHB must comply with all applicable legal requirements.

### **Screening service**

#### 3. The LHB must :-

- (a) use its own staff to operate the screening facilities to conduct DRS examinations of eligible persons for the purpose of the DRSSW and for no other purpose;
- (b) provide all administrative support required for the booking of appointments and reporting on the results of those examinations;
- (c) operate the screening facilities in such a way as to ensure so far as reasonably practicable that every eligible person receives an initial DRS examination within three months of being referred for that purpose and thereafter receives further periodic examinations at intervals in compliance with National Screening Committee Guidelines and within the National Service Framework for Diabetes recommendation;
- (d) obtain the prior written approval of the Welsh Ministers before incurring any staff overtime costs in connection with the activities referred to in sub-paragraph (a)..

### **Reimbursement of LHB**

- 4.1 No later than 30 days after the end of each quarter, the LHB must send to the Welsh Ministers a written request for reimbursement of all expenditure that the LHB has incurred during that quarter in providing the DRSSW, together with a detailed breakdown of how that expenditure is calculated. The breakdown must include patient demand, revenue as well as capital annual report.
- 4.2 Every reimbursement request must be in the form set out in Annex A or such other form as the Welsh Ministers may from time to time approve.
- 4.3 Within 30 days of receiving the LHB's reimbursement request, the Welsh Ministers will pay the amount shown in that request to the LHB unless they decide to query any of the items shown in that request.
- 4.4 Where the Welsh Ministers decide to query any item shown in a reimbursement request, they will be entitled to withhold payment in respect of that item until the

LHB has provided them such information as they may reasonably require in order to satisfy themselves that the amount attributed to that item is correct.

## **Audit**

- 5.1 The LHB must retain all records and information relating to the DRSS for a minimum of five years from the date that the record or information in question first comes into its possession (whether by being created or otherwise) and ensure that it is readily available for inspection by the Welsh Ministers, or their representatives, for the purpose of audit and statistical analysis.
- 5.2 If any of those records or that information takes the form of a paper document, the LHB need only retain the paper document for a period of 12 months if the document is scanned into an electronic format, in which case the LHB's obligation under paragraph 5.1 in respect of the paper document will be met if the LHB retains the electronic version of that document for the period specified in paragraph 5.1.

## **Confidentiality and publicity**

- 6.1 The LHB is a data controller for the purposes of the Data Protection Act 1998 and must comply with all requirements of that Act.
- 6.2 The LHB must ensure that personal data is obtained and processed in a secure manner, and keep in place security measures designed to protect any personal data accessed or processed by the LHB's staff from unauthorised or unlawful disclosure, unauthorised or unlawful processing, accidental loss, destruction or damage.

## **Contact points**

- 7.1 All communications from the LHB to the Welsh Ministers regarding the DRSSW must be addressed to Head of Eye Care Policy, Welsh Assembly Government, Cathays Park, Cardiff CF10 3NQ.
- 7.2 All communications from the Welsh Ministers to the LHB regarding the DRSSW must be addressed to the DRSSW Manager at 1 Fairway Court, Upper Boat, Treforest.

ANNEX A

**REIMBURSEMENT REQUEST FORM**

**DIABETIC RETINOPATHY BUDGET PLAN 2010/11**

|  | 2009/10 | 2010/11 | 2010/11 Cumulative |
|--|---------|---------|--------------------|
|  | £       | £       | Actual Qtr XX      |
| <b>LHB's</b>                             |         |         |                    |
| <b>Staff</b>                             |         |         |                    |
| SE Wales                                 |         |         |                    |
| Mid Wales                                |         |         |                    |
| N Wales                                  |         |         |                    |
| <br>                                     |         |         |                    |
| Total Staff                              |         |         |                    |
| <br>                                     |         |         |                    |
| <b>Non-staff</b>                         |         |         |                    |
| Drugs                                    |         |         |                    |
| Sterile Products                         |         |         |                    |
| Staff Uniforms                           |         |         |                    |
| Post & Carriage, Courier Pitney Bowes    |         |         |                    |
| Rent - offices, garage, service charge   |         |         |                    |
| Electricity                              |         |         |                    |
| Gas                                      |         |         |                    |
| Business Rates                           |         |         |                    |
| Training                                 |         |         |                    |
| Advertising / Recruitment                |         |         |                    |
| BT Global                                |         |         |                    |
| Mobile Telephones                        |         |         |                    |
| Housekeeping including window cleaning   |         |         |                    |
| Legal Fees                               |         |         |                    |
| Photocopies, Printing and Stationery     |         |         |                    |
| PC software and maintenance              |         |         |                    |
| Travel Expenses and hospitality          |         |         |                    |
| Vehicle running costs:Fuel               |         |         |                    |
| Waste disposal                           |         |         |                    |
| Electrical services                      |         |         |                    |
| Building contracts including maintenance |         |         |                    |
| Mid Wales expend                         |         |         |                    |
| North Wales expend                       |         |         |                    |
| Total Non-staff                          |         |         |                    |
| <br>                                     |         |         |                    |
| <b>IT Project</b>                        |         |         |                    |
| Consultancy Fees                         |         |         |                    |
| Legal Fees                               |         |         |                    |
| Data Migration                           |         |         |                    |
| Hardware and software                    |         |         |                    |
| Total IT Project                         |         |         |                    |
| <b>Total Expenditure</b>                 |         |         |                    |

**NB:** No miscellaneous items to be listed within Annex A