



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

Title: The National Health Service (Indemnities) (Wales) Bill

Date: 14 October 2019

By: **Vaughan Gething Minister for Health and Social Services**

The National Health Service (Indemnities) (Wales) Bill has today been introduced to the National Assembly for Wales together with its Explanatory Memorandum and Regulatory impact assessment.

The Bill amends Section 30 of the National Health Service (Wales) Act 2006 which relates to schemes for meeting losses and liabilities of certain health service bodies.

The primary purpose of the Bill is to amend section 30 of the NHS (Wales) Act 2006, enabling the Welsh Ministers to make regulations to establish direct indemnity schemes. The Bill also expands the bodies who may be indemnified by the Welsh Ministers under schemes established pursuant to section 30. These powers will enable the Welsh Ministers to establish an Existing Liability Scheme (ELS) to indemnify GPs for historic clinical negligence claims which have either been reported, or which have been incurred but not reported, prior to 1 April 2019.

The proposed regulations set out how Welsh Ministers will consider the liability of GPs and make any payments out of the ELS. The establishment of the ELS is subject to legal and financial due diligence and successful discussions with the Medical Defence Organisations. The Wales ELS will be closely aligned with the proposed ELS to be introduced in England.

The effect of the Bill providing the legal base for the establishment of the ELS, together with the General Medical Practice Indemnity Future Liability Scheme which was introduced in April 2019, will underpin the long term sustainability of the provision of general medical services in Wales. It will also help to ensure that GP recruitment and retention in Wales, and England and Wales cross border activity, will not be adversely affected by different schemes operating in England and Wales.

The Bill also future proofs the powers of the Welsh Ministers for any effects, market shocks and stresses of possible future events relating to clinical negligence cover for providers of primary medical services in Wales.

[Word Count 350]