

STATES OF JERSEY



DRAFT SHOPS (REGULATION OF OPENING) (AMENDMENT – GENERAL PRACTITIONER SURGERIES AND PHARMACIES) (JERSEY) REGULATIONS 202- (P.112/2020) COMMENTS

STATES GREFFE

COMMENTS

Introduction

- (1) [P.112/2020 Draft Shops \(Regulation of Opening\) \(Amendment – General Practitioner Surgeries And Pharmacies\) \(Jersey\) Regulations 202-](#) was lodged by the Minister for Economic Development, Tourism, Sport and Culture on 18th September 2020, in light of the ongoing COVID-19 pandemic.
- (2) The draft Regulations relate to primary care which would normally be the remit of the Minister for Health and Social Services. In this instance, however, the Regulations have been lodged by the Minister for Economic Development, Tourism, Sport and Culture due to the legislative framework for Sunday trading. Given the crossover of ministerial remits, the Health and Social Security Panel (“the Panel”) has taken responsibility for scrutinising the legislation, in agreement with the Economic and International Affairs Scrutiny Panel.
- (3) The proposition was lodged on 18th September and was scheduled for debate on 22nd September. The Panel, along with members of the Economic and International Affairs Panel, received a briefing on the draft Regulations on 21st September. The Panel was concerned about the urgency placed on debating the proposals without the opportunity for appropriate scrutiny. In that regard, the Panel asked the Minister for Economic Development, Tourism, Sport and Culture to defer the debate until 6th October to enable some degree of scrutiny of the proposals, which he agreed.

Purpose of the Regulations

- (4) If adopted, the draft Regulations would make permanent amendments to the Shops (Regulation of Opening) (Jersey) Law 2011 (“the 2011 Law”) (“the 2011 Law”). The purpose of the draft Regulations is to extend the permitted activities of both general practitioner surgeries and pharmacies. Pharmacies are currently only permitted to open on Sundays for the sale of medicines and related items. The draft Regulations will allow GPs the flexibility to operate on a Sunday, and if required, meet the demands of the enhanced winter flu vaccination programme in order to reduce the risk of COVID-19 and seasonal winter flu ‘co-infections’. In respect of pharmacies, the draft Regulations will allow vaccines to be administered alongside their normal course of business during Sunday trading hours.
- (5) The importance of delivering an enhanced winter flu vaccination programme and making the necessary legislative changes in order to mitigate the pressure on the Island’s health service was stressed during the briefing. So too was ensuring that the maximum number of winter flu vaccines are administered in the months of September, October and November to allow for at least 28 days between the delivery of a winter flu vaccine and a possible COVID-19 vaccine.

Panel concerns

- (6) The Panel noted that, unlike other legislation brought forward to respond to the COVID-19 pandemic, the draft Regulations are not subject to a time limit and, therefore, will not expire after a specified period of time. The Panel was

advised that making the amendment permanent, would provide the additional flexibility and capacity that the health service would need to manage outbreaks of winter flu in future years and the management of the pandemic response to COVID-19.

- (7) The Panel asked whether the inclusion of business-as-usual activities for GPs would impact the delivery of the enhanced winter flu vaccination programme. The Government officials advised that, whilst there are no specific numerical targets on how many flu vaccinations must be delivered, the delivery of vaccines would be monitored through anonymised data capture from the GP systems.
- (8) The Panel asked whether there would be increased pressure in terms of cost and funding requirements, for GP surgeries and pharmacies, through having to meet the demands of an enhanced winter flu vaccination programme in a socially distant manner. Government officials explained that the contract to carry out the enhanced winter flu vaccination programme would make provision for the additional costs incurred in providing the service, with safe and socially distanced processes, as early on in the flu season as possible.

Consultation with the Primary Care Body

- (9) The Panel wrote to members of the Jersey Primary Care Body (PCB) on 25th September to request their views on, principally, the absence of a time limit on the draft Regulations and the proposal to make Sundays available for GPs to carry out 'business as usual' surgery appointments. In addition, the PCB was asked if it was consulted about the proposed amendments, prior to them being lodged for debate.
- (10) The PCB provided a response to the Panel's request on 28th September. The PCB advised that the increased capacity offered by GPs was a response to the outbreak of COVID-19 in Jersey, because additional work might not be able to be accommodated within the normal working week which had been compounded by the requirements of social distancing.
- (11) The PCB advised that it only supported the temporary opening of GP practices on Sundays for the sole purpose of meeting the needs of the enhanced winter flu vaccination programme, including a potential COVID-19 vaccine. Furthermore, the PCB explained that it did not support a permanent extension of the normal working week.

Views of the Comité des Connétables

- (12) The Comité des Connétables also provided their views on the proposals to the Panel on 29th September. The Comité advised that they had not been consulted prior to the lodging of P.112/2020 and set out a number of general points in relation to current Sunday trading activity, that also apply to the operation of GP surgeries and pharmacies.
- (13) The Comité informed the Panel that, at present, a GP surgery may apply for a 'general permit', from the relevant parish, at a cost of £60, which covers all

Sunday trading until the end of 2020 and includes provision of all services, not solely the provision of vaccines.

- (14) The Comité further advised that the Parishes of St Helier and St Lawrence have already issued permits and that the Comité expected more applications to be received shortly.
- (15) As result, the Comité advised that it did not believe the draft Regulations were necessary.

Conclusion

- (16) The Panel has reviewed the draft Regulations, albeit briefly given the current circumstances, and understands the rationale behind the proposals.
- (17) The Panel recognises the urgent need to ensure that an enhanced winter flu vaccination programme is implemented early in the flu season, to reduce the risk of 'co-infection' with COVID-19 and the subsequent strain this would place on the health service, but also in anticipation of a potential future vaccine for COVID-19.
- (18) The feedback provided by the PCB expressed concern about the exclusion of a time limit and the insertion that other business as usual activity could be provided to patients on Sundays. Given the concerns expressed, the Panel has lodged an amendment to introduce a time limit for these Regulations to expire in April 2021 which corresponds with the other pieces of legislation introduced in response to the pandemic. The Panel has also included that the draft Regulations should include that Sunday trading is permitted for the sole purpose of administering vaccines, given that GPs are already able to apply for a permit to practise through the parishes. The amendment can be read in full on the States Assembly website.