

THE FIRST TIER TRIBUNAL

HEALTH EDUCATION AND SOCIAL CARE CHAMBER

PRIMARY HEALTH LISTS

Paul Kelly, Tribunal Judge.

Richard Stokes, Optometrist

Tim Bennett, Member

JOSHUA WARD

And

CARDIFF AND VALE UNIVERSITY HEALTH BOARD

DECISION WITH REASONS

1. Joshua Ward (GOC No. 01-22991) the Appellant in this case appeals against a decision of the Cardiff and Vale University Health Board dated 14th June 2010 to remove him from the Ophthalmic Services Supplementary List in accordance with Reg.10 (7) of the Supplementary List regulations which provides for discretionary removal if the practitioner is unable to demonstrate that he has assisted in providing general ophthalmic services within the Health Board area during the preceding six months.
2. With consent of the parties the matter was considered without an oral hearing, the Panel convening by telephone on the 22nd October 2010.
3. It is common ground the Appellant has not assisted in providing general ophthalmic services within the area of the Respondent Board during the six months prior to the decision to remove. It is his position set out in a letter of 25th June 2010 that, as a

locum, he has been providing services elsewhere in Wales and needs to remain on a Supplementary List to enable him to continue providing those services in Wales.

4. A Health Board is responsible for managing its local list and ensuring those who are providing services within the area are on the list. There are a number of regulatory and administrative duties to be undertaken by the Health Board in connection with those named on the list and it is unsurprising Health Board's review lists from time to time to ensure it accepts responsibility only for those who are actually providing local services. It seems entirely consistent with local management that a Health Board should have the right to remove a name from the list if that person has ceased to perform services within the area and thus relieve itself of the administrative burdens in respect of that performer.
5. In this case the Appellant has not made out sufficient grounds for us to interfere with the Health Board's discretion to remove him from the list and we dismiss the appeal. If he has not already done so the Appellant should apply for inclusion on a list for an area in respect of which he performs at least some of his locum duties.

Dated 4th November 2010

.....

Paul Kelly, Tribunal Judge