



Item for:	
Decision	
Recommendation	
Information	X

AGENDA ITEM NO: 2

Meeting Title/Date:	Primary Care Commissioning Committee – May 2021		
Report Title:	Contractual Change to the GMS Contract at Haverthwaite Surgery, Cumbria: Change from Individual Medical Practitioner to Partnership		
Paper Prepared By:	Kay Wilson / Kate Hudson	Date of Paper:	May 2021
Executive Sponsor:	Hilary Fordham	Responsible Manager:	Kate Hudson
Committees where Paper Previously Presented:	N/A		
Background Paper(s):	N/A		
Summary of Report:	This report is to inform the Committee in respect of a change of contract type from an individual medical practitioner to a partnership contract. This request has been made by Dr Edwards at Haverthwaite Surgery.		
Recommendation(s):	The Committee is asked to note the contents of the report.		
			Please Select Y/N
Identified Risks: (Record related, Assurance Framework or Risk Register reference number)	N/A		N
Impact Assessment: (Including Health, Equality, Diversity and Human Rights)	N/A		N
Strategic Objective(s) Supported by this Paper:	N/A		Please Select (X)
Better Health - improve population health and wellbeing and reduce health inequalities			X
Better Care - improve individual outcomes, quality and experience of care			X
Delivered Sustainably - create an environment for motivated, happy staff and achieve our control total			X
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MORECAMBE BAY CCG PRIMARY CARE COMMISSIONING COMMITTEE
PRIMARY CARE COMMISSIONING OPERATIONAL COMMITTEE
CHANGE IN CONTRACT TYPE – HAVERTHWAITE SURGERY
(A82650)

1. INTRODUCTION

- 1.1 Dr Edwards is the sole practitioner holding a General Medical Services (GMS) contract for the provision of Essential, Additional and Enhanced Services at Haverthwaite Surgery.
- 1.2 Dr Edwards has requested an amendment to his contract to change it from being a contract held by an individual medical practitioner to being held by a partnership. This is a contractual change and is permissible under the terms of the GMS Contract.
- 1.3 Normally individual partnership changes would not be brought to the Committee's attention. However, as this represents a change in contract type (from an individual medical practitioner GMS contract to a partnership GMS contract), the report has been prepared to inform the Committee of the change.

2. BACKGROUND

- 2.1 Dr Edwards is the sole signatory to the GMS contract, although there are two other GPs working at the practice albeit on a part-time basis. The list size as at 1st April 2021 was 2,790 registered patients (weighted population of 3,170.67).
- 2.2 Dr Edwards has confirmed that he wishes to enter into partnership with Mrs Sara Edwards (his wife) who works as an Administrative Assistant at the practice. Mrs Edwards has been employed by the practice since April 2020.

3. ASSESSMENT OF NOTIFICATION

Regulations

- 3.1 NHS England Policy and Guidance Manual sets out that signatories to GMS Contracts can be:
 - An individual medical practitioner;
 - Two or more individuals practising in partnership where:
 - at least one partner is a medical practitioner, and

- any other partner is either an NHS employee; or an individual eligible under s88 of the NHS Act, or
 - A company limited by shares
- 3.2 Dr Edwards is classed as ‘an Individual Medical Practitioner’ as the sole signatory to the GMS contract.
- 3.3 Paragraph 26.2 of the Standard General Medical Services (GMS) Contract makes the following provision:
- “Where the Contractor is an individual medical practitioner and proposes to practise in partnership with one or more persons, the Contractor must give notice in writing to the Board of:*
- “(a) the name of the person or persons with whom the Contractor proposes to practise in partnership;*
- “(b) the date on which the Contractor would like to change its status as a Contractor from that of an individual medical practitioner to that of a partnership, which must be at least 28 days after the date on which the Contractor gives notice to the Board under this clause.”*
- 3.4 As part of the notification, the GP must also confirm whether, for each person the GP is proposing to enter into partnership with, that person is either a medical practitioner or a person who satisfies the conditions set out in the 2006 NHS Act.
- 3.5 The Regulations state that if the person entering into partnership with a single-handed GP is not a medical practitioner, then the person must be “... *person who satisfy the conditions specified in section 86(2)(b) of the NHS Act ...*”. This requirements of this section are that any person entering into a GMS contract who is not a medical must be either:
- an NHS employee; or
 - a section 92 employee, section 107 employee, section 50 employee, section 64 employee, section 17C employee or Article 15B employee;
 - a health care professional who is engaged in the provision of services under this Act or the National Health Services (Wales) Act 2006
- 3.6 NHS England Policy and Guidance manual goes on to state that for the purposes of this section the definition of the above categories have the same meaning as in Section 93 of the Act. This section says that the Board may enter into an agreement with:
- “an individual who is providing services –*
- (i) under a general medical services contract or a general dental services contract or a Welsh general medical services contract or a Welsh general dental services contract*
- 3.7 The person entering into the partnership must also make a declaration to confirm that the individual is eligible to hold a contract; for example, the person has not been disqualified from holding such a contract, the person has not been convicted of an offence etc.
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- 3.8 Provided that all the criteria set out above are met, then the Regulations go on to state that where an Individual Practitioner has notified the Commissioner of their intention to enter into partnership, then “ ... *the Board must give notice in writing to the Contractor confirming that the Contract is to continue with the partnership entered into by the Contractor and its partners, from a date that the Board specifies in the notice.*”. Consequently, the commissioner must vary to recognise the contract provided that all criteria have been met.

Assessment

- 3.9 Dr Edwards intends the partnership to commence on 1st June 2021; the CCG was notified on 22nd April 2021 of this change which meets the timescales set out in the Regulations.
- 3.10 Dr Edwards has confirmed that his wife has worked at the practice since April 2020 working approximately 3 hours per week although from February 2021, this increased to 21 hours per week. Mrs Edwards, therefore, meets the criteria for joining the GMS contract; Mrs Edwards has been asked to provide the standard declaration in relation to her eligibility to hold the contract before the variation notice can be issued.
- 3.11 Dr Edwards has confirmed that both he and Mrs Edwards will be ‘General’ partners; this confirmation is required under the terms of the contract.

Previous contract variations

- 3.12 The GMS contract held by Dr Edwards was varied in October 2020 following approval by the Committee for both Haverthwaite Surgery and Cartmel Surgery to sub-contract the provision of Essential Services. This sub-contracting arrangement enabled the GPs at the practice to take time away from the practice each week, although the practice buildings were to remain open. As Mrs Edwards is not a medical practitioner, the clinical workforce at the practice is unaffected by this change in contract type.

4. RECOMMENDATION

- 4.1 The Committee is asked to note the change of contract type from Individual Medical Practitioner to Partnership contract in relation to the Haverthwaite Surgery GMS Contract.

MAY 2021