

WELSH HEALTH CIRCULAR



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

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Cathays Park
Cardiff, CF10 3NQ

Issue Date: 28 February 2006

Status: Action

Title: GENERAL MEDICAL SERVICES: PAYMENTS FOR LOCUMS COVERING MATERNITY, PATERNITY AND ADOPTION LEAVE

For Action by: Chief Executives –
Local Health Boards

Action required See paragraph: 7

For Information to: *See attached list*

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Enclosure(s): Annex A

Distribution List

Chief Executives	Local Health Boards
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Chief Executives	NHS Trusts
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Welsh Central Pharmaceutical Committee	
Welsh Executive	Royal Pharmaceutical Society
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Chief Executive	Dental Practice Board
Sub Dean and Director	Postgraduate Education for General Practice, Wales
	College of Medicine
Undergraduate Dental Dean	UWCM
Mr Eric Nash	Postgraduate Dental Department, UWCM
Mr S Johnston	Chairman, Welsh GDSC
Mr P Gray	NAO
Head of Contractor Services	Gwyn Phillips, Business Services Centre – NHS Wales

**General Medical Services
Payments for Locums Covering for Maternity, Paternity and Adoption
Leave**

Dear Colleague:

Summary

1. Under Part 4 of the Statement of Financial Entitlements (the SFE) Local Health Boards (LHBs) must provide financial assistance to the contractor under its GMS contract in respect of the cost of engaging locum cover for maternity, paternity, or adoption leave, subject to conditions contained in the SFE. WHC (2005) 043, which was issued on 19th April 2005 advised Local Health Boards to ensure that any decisions on payments for locum cover were based on a robust analysis of their likely impact on recruitment and retention of GPs in their locality. This circular updates that guidance and provides a framework agreement that LHBs could agree with Local Medical Committees.

Background

2. The new GMS contract was introduced in 2004. A commitment was made to review the contract from 2006 within the original negotiations. Part 4 of the SFE governs the payments made by LHBs to a contractor under the GMS contract for specific purposes. Paragraph 9 within this section deals specifically with payments for locums covering maternity, paternity, and adoption leave. As a consequence of the review significant changes have been agreed to the provisions in the SFE that relate to reimbursement of the cost of locums to cover maternity, paternity and adoption leave. With effect from 1st April 2006 the maximum amount payable for locum cover for maternity, paternity or adoption leave will, apart from the first two weeks, be raised to £1500 per week. As a consequence of this agreement the 2006/07 LHB allocations include an additional sum of £0.5 million specifically for this purpose.
3. Under paragraphs 18.13 and 18.14 of the SFE LHBs are directed to adopt and keep up-to-date a protocol that they must take all reasonable steps to agree with their Local Medical Committee. The protocol should set out in detail the circumstances which would qualify for reimbursement of locum costs. In particular, where practices have been unable to recruit a locum to cover the absence of the GP performer then LHBs should consider using the powers available to them under paragraphs 18.14 c) and d) of the SFE. Furthermore it is essential that the protocol complies with all current equality legislation.
4. Attached at Annex A is a framework agreement developed and agreed in partnership between the Welsh Assembly Government and the BMA's

General Practitioner Committee in Wales to assist LHBs in agreeing their protocol with their Local Medical Committee. The Welsh Assembly Government considers that everyone working within NHS Wales has the right to be treated equally regardless of age, disability, race, nationality, ethnic or national origin, gender, religion, beliefs, sexual orientation, domestic circumstances, social and employment status, HIV status, gender reassignment, political affiliation, or trade union membership. The framework agreement is based on that principle.

5. The Welsh Assembly Government commends this framework agreement to LHBs as a means of ensuring that:
 - a. practices are supported to maintain patient services when practitioners are absent
 - b. all parties are treated equally
 - c. the provisions for GP performers are consistent with terms and conditions of service for NHS employees
 - d. the working environment and terms and conditions enhance their prospects of recruiting and retaining GPs in their area

6. The framework agreement at Annex A has been drafted solely with reimbursement of locum cover for practitioners absent on maternity, paternity, or adoption leave in mind. Part 4 of the SFE also deals with locum payments for practitioners' sick leave and prolonged study leave. LHBs may find it beneficial to include their standard approach on these matters within this agreement.

Action

7. LHBs are asked to:
 - a. note the changes to the maximum amount payable for locums covering maternity and adoption leave;
 - b. note the additional sums included in LHB allocations specifically for this purpose;
 - c. consider and implement the framework agreement at Annex A as a basis for their protocol to be agreed with the Local Medical Committee.



John Sweeney

Y Gyfarwyddiaeth Polisi Iechyd Cymunedol, Gofal a Gwasanaethau Iechyd/
Community Primary Care & Health Services Policy Directorate

Payments for Locums Covering Maternity and Adoption Leave

Framework Agreement

Introduction and Background

1. Under the nGMS contract the Statement of Financial Entitlements (the SFE) enables contractors to claim reimbursement of locum fees where such locum cover has been engaged to maintain GMS services. These arrangements deal with absences for maternity, paternity, adoption, or sickness leave or prolonged study leave.
2. During the negotiations to review the GMS contract for 2006-07 all parties recognised that maternity and adoption leave should be treated differently given that contractors would not be able to personally insure against pregnancy and that adverse treatment of female GPs within these provisions would hamper attempts to boost recruitment and retention of GPs generally. It was subsequently agreed that (from week 3 of the leave) the current ceiling on payments to practices towards the cost of locum cover arrangements for GP performers maternity, paternity and adoption leave will be lifted to £1500 per week.
3. This agreement recognises that additional funding has been allocated specifically for this purpose. It sets out the protocol, agreed with the LMC, that the LHB will work to in exercising its powers under the SFE with respect to reimbursement of claims for locum payments to cover maternity, paternity and adoption leave. The protocol must comply with all current equality legislation.

Principles

4. Everyone working within NHS Wales has the right to be treated equally regardless of age, disability, race, nationality, ethnic or national origin, gender, religion, beliefs, sexual orientation, domestic circumstances, HIV status, gender reassignment, political affiliation or trade union membership.
5. Doctors in general practice should have a reasonable expectation that their treatment with regard to maternity leave and locum reimbursement should reflect that of doctors employed under NHS conditions of service.
6. The GMS contract encourages practices to adopt good employment practices.

7. Proposals for maternity cover reimbursement apply equally where GP performers are absent on adoption leave.
8. The statutory basis for reimbursing payments for locum cover remains within the SFE and this agreement should be read in conjunction with that.

The Main Agreement

9. The agreement should specify:
 - a. The scope of the agreement i.e. that it relates to practitioners who are included on the performers list as defined in the SFE
 - b. Where a practitioner is absent on maternity or adoption leave and a locum practitioner is engaged to cover the absence the costs of employing that locum will be reimbursed in accordance with the SFE but with a minimum threshold as set out below:
 - i. Eight weeks to be reimbursed at the maximum amount payable as specified in the SFE
 - ii. Eighteen weeks at half the maximum amount payable as specified by the SFE
 - iii. Payments over and above this threshold will be at the discretion of the LHB subject to the maximum specified in the SFE
 - c. The circumstances under which the LHB would exercise its powers under paragraphs 18.14 c) and d) of the SFE to reimburse locum costs where a locum practitioner cannot be recruited and locum cover is provided by:
 - i. Nurses or other healthcare professionals
 - ii. Existing partners or employees outside of their present contractual commitment
 - d. The process for appealing against individual decisions
 - e. Audit, monitoring and review arrangements to ensure that additional sums have been expended in the manner intended by the GMS Agreement 2006-07
 - f. The effective date of the agreement is April 1st 2006.
 - g. The parties signing the agreement on behalf of the LHB and LMC