



# Update from the Consortium of Lancashire & Cumbria LMCs

Tuesday 16<sup>th</sup> November 2021

## GP earnings threshold

Further to the advice regarding contractual requirement to ensure [GPs earning over the earnings threshold \(£150k\) to declare their income](#), please see some further information below.

It is important to note that the new regulation applies to practices who have had their contracts varied to include the new rules, by the service of a 14-day contract variation notice. The legal advice is that **no practice has a contractual duty to comply with these new rules until it is served with a 14-day contract variation notice and the period of the notice has expired**. Therefore, practices should check whether they have received a contract variation notice and the period of the notice has passed. If so, then you must comply with the new regulations.

## Dispute

The BMA is in dispute over the pay declaration regulations in the contract. However, the act of being in dispute does not mean that individuals or practices are able to not comply with their contractual requirements without consequence, nor does it permit the BMA to induce/advise individuals or practices to not comply.

## How to submit the pay declaration

While the regulations do not outline how the declaration should be made, [NHSE/I has published guidance](#) on this and created a process for it.

Regulation 94 of the GMS regulations requires the practice to “have regard to all relevant guidance issued by the Board, the Secretary of State or local authorities in respect of the exercise of their functions under the Act”.

Although practices would not be under a strict legal obligation to comply with NHSEI’s guidance, they are under an obligation to ‘have regard’ to it. This means that they must have in place a management structure which ensures that proper consideration is given to guidance before any relevant decisions are taken. A practice who chose not to comply with such guidance should be able to demonstrate that they had regard to the guidance before deciding not to comply. A practice should also be able to demonstrate why it has deviated from the guidance, and the reason should be rational and guided by the practice’s broader obligations under the contract. Otherwise, the Board could argue that adequate ‘regard’ had not be given and, therefore, take some sort of action.

## Date of disclosure

According to the relevant regulations (27A paragraphs 3(a) and 4) which outline the disclosure date, the information must have been received by 12 November 2021.

Note that declarations only apply to GP partners, GP subcontractors or locum GPs operating under the core contract and earning above the income threshold, and if they failed to declare their earnings, then the practice will be in breach of its core contract. It does not include salaried GPs and those who are employed by a contractor or sub-contractor. If the practice refuses to deliver a service that is required within the contract/regulations, the practice will be in breach of its core contract.





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If the practice breaches its contract, the Commissioner can take action against the practice and the BMA cannot prevent them from doing this due to the inadequacy of trade union laws in protecting GP Partners.

Through the act of self-declaration, the individual will be consenting to publication. Individuals should, therefore, carefully consider the implications before self-declaration. This policy provides no benefit to patients but will potentially increase acts of aggression and abuse toward GPs and practices. It will be damaging to morale among the profession and wholly counterproductive in terms of the ability to recruit and retain GPs. The BMA believe the position the government and NHSEI have taken on this matter, singling out GPs alone rather than applying this requirement to all other healthcare professionals, is completely unacceptable.

Read more about the consequences of taking this action or not [here](#)

The BMA have also updated their [guidance on income declaration](#) with some further detailed FAQs including: Compliance with this new regulation, if/how it applies to salaried GPs, portfolio GPs, locums, subcontractors, how it might be policed/enforceable.

## **COVID-19 vaccination - condition of deployment for health and social care workers**

The Department for Health and Social Care announced, on the 9<sup>th</sup> November 2021, the requirement for those employed in CQC regulated activities, involving direct, face to face contact with service users to be fully vaccinated by April 2022 - [Making vaccination a condition of deployment in the health and wider social care sector: government response \(publishing.service.gov.uk\)](#). Those who are medically exempt from having the vaccine will be allowed to continue to work in such environments beyond April 2022.

The GOV website provides some clarity regarding specific roles that may be affected by the update within Practice workforces - [Government to introduce COVID-19 vaccination as a condition of deployment for all frontline health and social care workers - GOV.UK \(www.gov.uk\)](#)

Currently, there are no specific exceptions beyond April 2022 for people who chose, purely for personal preferences, not to be vaccinated.

The LMC HR team are available to provide advice on managing this situation as it develops, particularly in relation to:

- Consulting with staff on the implications of the announcement.
- Exploring the possibility of alternative roles if practical.
- Otherwise informing of the risk of the termination of employment if not fully vaccinated by April 2022 and establishing due process for that.

This is clearly a developing situation but if you feel HR support would be helpful in the circumstances please do get in touch with [Stevie](#) – LMC HR Service Lead.





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## COVID-19 vaccination fee increases for the housebound

NHSEI have now agreed to increase the supplementary fee detailed in the phase 3 general practice enhanced service specification to £20 per visit (increased from the current £10 supplementary fee) to a housebound patient for each vaccination dose given to a housebound patient, by PCN-led and CP-led LVS sites. This supplement is on top of the £12.58 Item of Service fee. This increased supplement will apply for Covid-19 vaccinations (booster and third primary dose only) administered to housebound people from 16 September 2021 until 5 December 2021. On this basis, LVS sites should seek to maximise the number of boosters and third primary dose vaccinations given to eligible housebound patients by 5 December. From this date the standard £10 supplement will apply.

## CPR training update

The next LMC Sessional GP meeting is taking place Thursday 18<sup>th</sup> November at 7pm via Zoom and will include a CPR update. Please get in touch with [Rebecca](#) if you would like to attend.

## Antibiotic prescribing by GPs has fallen

Antibiotic Research UK has published [an analysis of new antibiotic prescription](#) data in England ahead of World Antimicrobial Awareness Week (WAAW), 18–24 November, and European Antibiotic Awareness Day (EAAD), 18 November. Key findings include:

- During the first 12 months of the COVID-19 pandemic (March 2020-February 2021), antibiotic prescribing in general practice in England fell by 17% compared to the previous 12 months
- The fall hints at the scale of over-prescribing in normal times which increases the risk of antibiotic resistance
- Prescribing remained steady throughout the year without the winter peak seen in normal years

## Curing the sickness in the system - understanding and eradicating bullying in the NHS – webinar

The BMA's committee for medical managers (CMM) will be holding a [webinar at 12.30-2pm on Thursday 18 November](#), looking at bullying in the NHS as a systemic issue. The following will be on the panel:

- Dr Sonya Wallbank, leadership and organisational development consultant at the King's Fund
- Russell Parkinson, head of office and strategy at the National Guardian's Office
- John Drew, director of staff experience and engagement at NHSE/I.

The webinar will be looking at the causes of bullying, the impact of it, and how to address this through a series of short talks and a Q&A. More information and registration can be found [here](#)

