

The new GMS contract explained

Focus on.... Health Service Body Status

This guidance note has been produced by the General Practitioners Committee to help GPs and Local Medical Committees with decisions about whether to become an NHS Body under the new GMS contract, and is one of a series of guidance notes on the new contract.

Health service body

The GPC has received a number of enquiries about whether practices should opt to become a health service body. Information on health service body status can be found at paragraphs 6.12 to 6.14 of *Delivering Investment in General Practice*. In England, regulation 10 of the draft NHS (GMS Contracts) Regulations 2004 deals with health service body status. In Scotland, health service body status is dealt with at regulation 10 of the draft NHS (General Medical Services) (Scotland) Regulations 2004.

If a practice opts to become a health service body, contract disputes will have to be dealt with through the NHS dispute resolution regulations. There is no alternative. If a practice holds a private law contract i.e. does not elect to become a health service body, it can choose to use either the NHS dispute procedure or use the Courts in relation to any particular dispute.

In making the decision between the NHS dispute resolution procedure and going to the Courts, a number of factors have to be borne in mind:

- how long each process will take. A lot will depend on how busy the local court is. There is no real experience yet as to how long the NHS procedure will take
- that costs can be awarded against the unsuccessful party in court proceedings but not in the NHS dispute resolution procedure
- the fact that the NHS procedure is private but that Court proceedings, or at least the outcome, are generally public.

Health service body status does not affect any other aspect of practice. It does not affect access to the NHS Pensions scheme, the ability to enter into other contracts, and partnership changes will not affect health service body status.

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Question & Answer

Can the PCO force a practice to become a health service body?

No. "The PCT should not attempt to force such status onto, or deny such status to, a GMS contractor"
[para 6.14 *Delivering Investment in General Practice*]

Other NHS bodies include PCTs, NHS Trusts, most PMS providers and Strategic Health Authorities. The decision is ultimately for the practice about whether it wishes to be part of this 'NHS family' or whether it wishes to keep open the option of using the Courts for resolving disputes under the contract..

Practices can, at any stage, opt to become, or cease to be, a health service body, by requesting a variation of their contract with the PCO.

What to do now

Paragraph 6.13 of the guidance *Delivering Investment in General Practice* states that if the practice wishes to become a health service body it would be helpful for PCOs if practices in England give written notification to their PCO by 13 February. In Scotland the date is 27 February. However, all practices can make a decision up to the date the contract is signed.

Further help

For further information about the timetable for implementation, the GPC has produced Focus on...preparing for implementation guidance note, available on the BMA website at www.bma.org.uk/gpcontract

The GPC has produced a list of frequently asked questions and answers which can also be found at the website

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