

24th August 2020

NHS Property Service Legal Action

As many of you will know, the BMA is supporting five GP practices who have started court proceedings against NHS Property Services (NHSPS) to clarify the basis on which NHSPS calculates service charges. Since 2016, many practices have received increasingly costly service charge demands from NHSPS. In defence of these expensive non-reimbursable charges, NHSPS had argued that it was moving to a “full cost” approach to the recovery of charges via a “consolidated charging policy”. The BMA position was – and continues to be – that the consolidated charging policy cannot be unilaterally incorporated into the terms of individual practices’ tenancy agreements.

NHSPS has filed Defences and Counterclaims in each of those claims. Within the five Defences, NHSPS has finally conceded that the consolidated charging policy has not varied the existing leases and that the service charges are not due pursuant to the policy.

Supported by the BMA, the test claimants are now applying to the High Court to ask that it upholds their claims against NHSPS and issues declaration that the ‘consolidated charging policy’ does not form part of their tenancy.

Although such judgments would not automatically bind any GP practices beyond the five test claimants, they will be highly persuasive evidence that other GP practices in similar circumstances can rely upon when facing disputed demands from their landlord.

You can read more about the case and the BMA’s position in the attached letter to practices.

Infection Prevention and Control Guidance

Public Health England have now published [Guidance for the remobilisation of services within health and care settings](#) which sets out infection prevention and control recommendations. It re-emphasises that where possible services should continue to utilise virtual consultations and classifies general practice physical consultations as medium risk. PPE should therefore continue to be worn for all face-to-face contacts.

The guidance advises that for vaccination clinics, where contact with individuals is minimal, the need for single use PPE items for each encounter is not necessary and staff administering vaccinations must apply hand hygiene between patients and wear a sessional facemask. More guidance relating specifically to the flu campaign will be issued shortly.

The BMA has now updated its [guidance on PPE for doctors](#).

GMC Fees and Maternity Leave

The aim of the GMC's [income discount scheme](#) is to assist doctors whose overall financial circumstances makes it more difficult for them to afford the full annual fee. However some doctors may miss out on the discount if their period of maternity spans two registration years, with the result that their income does not fall below the threshold in either year. The GMC have been challenged about this and following intervention from GPC, they will be undertaking a review of their discount scheme, as it recognises the need to allow all women on maternity leave (irrespective of the time of year their baby is born) to access a discount if their income falls below the threshold while they are on maternity leave.

In the meantime, the GMC will offer doctors a discount if they expect their income to be below the £32,000 threshold during a 12-month period that overlaps with their period of maternity leave. This discount is available for one registration year, so doctors will need to indicate on the [income discount application form](#) which year they would like the discount to be applied to.

The GMC will be updating its information to reflect this interim change – for further information please contact the GMC directly (contact details are on the [income discount application form](#)).

BMA Analysis of NHS England - Phase Three of the Response to COVID-19

Following [NHS England's letter announcing the start of Phase Three of its response to COVID-19](#), the BMA has produced an analysis, which can be read [here](#), outlining what this means for doctors and for the health service.

Tracker Survey Findings

Whilst practices are reporting that workload levels have returned to previous levels, if not greater, the latest [COVID-19 BMA tracker survey](#) has shown that the majority of doctors in primary and secondary care have little to no confidence the wider health service will be in a position to resume a normal level of service before the end of this year, which reflects on the enormity of the backlog of care following the first peak of COVID-19. The survey also found that:

- 60% of all doctors and 73% of GPs said they were not confident in their local health economy managing demand as normal NHS services resume
- Half of all doctors and 63% of GPs responding said they were not confident in being able to manage a second wave of COVID-19.

After years of underfunding and understaffing, and in the midst of a once-in-a-century public health crisis, it is clear that the Government and NHS England need to step up and deliver a strategy for how these services can be brought back online and up to speed. This needs the NHS to be properly funded to give it the capacity required to meet the needs of patients in the immediate and longer term.

Read more about the survey and outcomes [here](#).

Mask Exemption Letters for Air Travel

Some airlines are still asking for letters from GPs for mask exemption. To restate the previous guidance, this is not required as per the [government advice on exemption cards](#), which states: "Those who have an age, health or disability reason for not wearing a face covering should not be routinely asked to give any written evidence of this, this includes exemption cards. No person needs to seek advice or request a letter from a medical professional about their reason for not wearing a face covering. Some people may feel more comfortable showing something that says they do not have to wear a face covering. This could be in the form of an exemption card, badge or even a home-made sign. This is a personal choice and is not necessary in law."

New National Institute for Health Protection

The Government has announced the [creation of a new National Institute for Health Protection \(NIHP\)](#) with immediate effect, whose primary focus is public health protection and infectious disease capability, and with a single command structure to advance the response to the COVID-19 pandemic. It will bring

together Public Health England and NHS Test and Trace, as well as the analytical capability of the Joint Biosecurity Centre under a single leadership team.

In response to this, Chaand Nagpaul, BMA Chair of Council, said: "We already have public health expertise in this country which is of the highest quality but despite the hard work of our colleagues in the last six months, substantial budget cuts and fragmentation of these services over years have hampered the response to the Covid-19 pandemic. We must absolutely not allow PHE and its staff to shoulder the blame for wider failings and Government decisions." Read the full BMA statement [here](#).

Mentor Support

Please find a flyer highlighting how you can access peer support during this time [here](#). More information about [wellbeing](#) support can be found on the LMC website.

Mental Health and Wellbeing

The BMA continue to offer [wellbeing services](#) and confidential 24/7 counselling and peer support for all doctors and medical students, as well as their partners and dependents, on 0330 123 1245.

LMC Website

The following guidance has been added to the LMC website www.worcsimc.co.uk this week:

[Update on NHS Property Services Legal Action](#)

Other COVID 19 Resources

[BMJ – news and resources](#)

[RCGP COVID-19 information](#)

[NHSE/I primary care bulletins](#)

[NICE resources](#)

WORCESTERSHIRE AND HEREFORDSHIRE LMC LTD

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All topical issues relating to local general practice are discussed at the monthly LMC meetings and those minutes can be read on the LMC [Website](#). Should you require further information on any issues raised at the LMC meetings please do not hesitate to contact the LMC representative for your area or practice.

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All 20 practices are represented at Committee Meetings

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**THIS NEWSLETTER IS PRODUCED FROM THE LMC OFFICE AT
ST STEPHENS SURGERY**

The next LMC meetings will be:

Worcestershire – 10th September 2020
Herefordshire – 9th September 2020