

GP returners: GPC guidance

December 2006

This guidance is designed to advise GPs who wish to return in the current situation while no new central funding is available for the GP returners' scheme.

Background

In order to work as NHS GP in the UK, a doctor needs to be on the GMC's new GP register, and be on a PCO's Performers List in the country where they are working or intend to work.

Up until earlier this year funding was available in England for the GP returners' scheme. This was an excellent mechanism for encouraging qualified GPs (particularly those who had taken a career break for family reasons) back to work. It provided a funded placement for the returning doctor normally for six months on a full-time basis or 12 months part-time in a practice experienced in offering support and training. It also represented very good value for money to the NHS. Unfortunately, the funding for the GP returners' scheme has been withdrawn by the English Department of Health, although some deaneries have retained local sources of funding for returners' schemes. The BMA has made numerous representations about the withdrawal of the funding to the Health Department, including a meeting with Lord Warner, Health Minister. We are also seeking to publicise the advantages of the scheme, and have published a dossier of GPs who have been prevented from returning due to lack of funding.

Advice to GPs who wish to return

Most PCOs now require a GP who has been out of practice for two or more years to undergo some refresher training and/or work in a supervised environment before they are fully included on the PCO's Performers List. This is to ensure that returning doctors' skills are up to date. Returning GPs are therefore likely to be conditionally included (rather than fully included) on a Performers List for a specified time. For returners, conditional inclusion normally means that they would only be able to work in a supervised setting (for example, being subject to a language assessment, working with a mentor, working only in a single practice or one PCT area, etc).

Given that the level of support available from PCOs and deaneries appears to differ throughout the UK, the following is a set of points to consider pursuing depending on a GP's individual circumstances and the level of support available:

1. Discuss with your deanery the possibility of any funding and/or training and careers support that they can offer.
2. If a PCO is unwilling to fully include you on its Performers List, ask the PCO to give you a "conditional inclusion" to allow you to work in a supervised setting. We suggest that you seek a written agreement from the PCO as to when the conditional inclusion will be reviewed, with a view to your name being fully included on the Performers List. For example, a review in 3 months, on the understanding that this could be shorter depending on your hours of work, your previous experience and the length of your career break.
3. If you are conditionally included, find a practice or out-of-hours organisation that is willing to provide you with a supervised setting. You will want to ensure that this is a suitable placement that will meet your needs, and so you may wish to take further advice on this from your deanery, PCO and/or LMC.
4. Discuss with the PCO the possibility of using the Primary Care Development Scheme to help to fund your refresher training.

5. Collect evidence of your practice during your refresher time to help to demonstrate your competence to the PCO. This could include the educational events that you have undertaken, patient survey and peer feedback data, audit or referrals, etc.

Clinical references

While a requirement of entry to the Performers List is for doctors to supply the names and addresses of two clinical references relating to two recent posts, where this is not possible a full explanation and the names and addresses of alternative referees should be provided.

GP returners and the Minimum Wage Regulations

The legal advice that we have is that, under the Minimum Wage Regulations, it would be illegal for a practice to take on a GP returner without paying them a salary. This is on the basis that GP returners will be doing some work while they are at the practice, even if they are supervised.

It is also important to note that a GP returner offering to work voluntarily does not necessarily resolve the issue. The voluntary arrangement must be genuine (i.e. the volunteer and practice must not be under any obligations to each other). The volunteer should be able to attend as and when he/she wants and leave whenever he/she feels like it. This is not quite the situation envisaged by the returner scheme. For the returner to be eligible for full entry to a PCO's Performers List the PCO often requires a fixed period of training to take place and certain work performed. In this case, a volunteer could have a claim against a practice under the National Minimum Wage Act for unlawful deduction in wages. If the individual did not bring the action, Her Majesty's Revenue and Customs (HMRC) are still able to enforce a claim in any event so there would be no guarantees for the practice.

Please be aware that the GPC considers that the lack of PCO funding of the GP returners' scheme to be a breach of the Sex Discrimination Act on the basis that the majority of GP returners are predominantly female. This is currently being pursued with the Health Department.

GP returners and the 'Model' salaried GP contract

The GPC advises that GP returners be offered a contract which is no less favourable than the 'model salaried GP contract'. Please note that the model contract must be offered to all GPs employed by a nGMS practice since 1 April 2004 (as this is a condition of a GP provider's contract with their PCO) and to all GPs employed by a PCO since 1 April 2004. In line with this, GP returners should be paid at least the current minimum salary of £50,332 for full-time salaried GPs (pro rata for those working less than full time).

A copy of the model contract for salaried GPs is available on the BMA website: <http://www.bma.org.uk/ap.nsf/Content/Hubsalariedgps> Please note that the model contract consists of both the model offer letter and the model terms and conditions.

Assistance to BMA members

BMA member GPs who are considering returning to work are advised to contact AskBMA (email: askbma@bma.org.uk ; telephone: 0870 6060828) particularly for expert individual contractual advice.