



# **Protocol in respect of locum cover or GP performer payments for parental and sickness leave**

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# **Protocol in respect of locum cover or GP performer payments for parental and sickness leave**

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## Protocol in respect of locum cover or GP performer payments for parental and sickness leave

### Background

1. The General Medical Services Contracts Statement of Financial Entitlement Directions 2013<sup>1</sup> (SFE) as amended in the SFE (amendment) Directions 2017 set out the provisions, conditions and payments relating to reimbursement to GP practices for GP performers covering parental leave and sickness leave.
2. This protocol applies only to GMS practices but commissioners should ensure they treat Primary Medical Services (PMS) practices equitably.
3. For the purposes of this protocol:
  - “parental leave” means ordinary or additional maternity leave, paternity leave, or ordinary or additional adoption leave;
  - “full-time” means nine sessions of clinical work per working week;
  - “working week” is defined as the core hours set out in the National Health Service (GMS Contracts) Regulations<sup>2</sup>: “the period beginning at 8am and ending at 6.30pm on any day from Monday to Friday except Good Friday, Christmas Day or bank holidays”.
4. The commissioner will not make payments in respect of locum or GP performer cover outside of core hours.

### Parental and sickness leave payments

5. GP practices are entitled to claim reimbursement of the cost for providing GP performer cover when a GP performer is on parental leave or on sickness leave<sup>3</sup>.

The reimbursement of costs can be claimed where the cover is provided by:

- a locum
  - a GP already working in the practice but who is not full-time (either employed or a partner)
6. Payments will not be made on a pro-rata basis having regard to the absent performer’s working pattern, and will be the lower of actual invoiced costs or maximum amount.
  7. The SFE sets out the maximum amount of reimbursement for a GP performer providing cover as follows.

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<sup>1</sup> <https://www.gov.uk/government/publications/nhs-primary-medical-services-directions-2013>

<sup>2</sup> <https://www.gov.uk/government/publications/nhs-primary-medical-services-directions-2013>

<sup>3</sup> Providing the provisions of paragraphs 15.3, 15.4, 16.3 and 16.4 of the SFE are met

## Parental leave

8. In respect of maternity leave or adoption leave where the GP performer going on leave is the main care provider, the maximum amount payable is £1,131.74 per week for each of the first two weeks and then £1,734.18 per week for each of weeks 3 to 26.
9. In respect of paternity leave or special leave (which is equivalent to the terms and duration of paternity leave) where the GP performer going on leave is not the main care provider, the maximum amount payable is £1,131.74 per week for each of the first two weeks.

## Sickness leave

10. In respect of sickness leave, for each period of sickness absence, there is a qualifying period of two weeks during which time no payments are made.
11. After two weeks, payments start and the maximum amount payable is £1,734.18 per week for each of weeks 3 to 28. Thereafter, the maximum amount payable is £867.09 per week for each of weeks 29 to 54.
12. As set out in the SFE, for weeks 29 to 54 the commissioner will pay half of whatever it determined was payable for weeks 3 to 28. The SFE also sets out a methodology for calculating these periods with respect to any payments made in the previous 52 weeks and that methodology continues to apply.

## Further discretionary payments

13. This protocol details (as required under paragraph 25.16 of the SFE) a number of policies the commissioner is obliged to set out:
  - how the commissioner is likely to exercise its discretionary powers to make payments (including top-up payments) in respect of locum cover for parental or sickness leave, where it is not obliged to make such payments;
  - where the commissioner is obliged to make payments in respect of cover for parental or sickness leave pursuant to Part 4 of the SFE, the circumstances in which it is likely to make payments of less than the maximum amount payable;
  - how the commissioner is likely to exercise its discretionary powers to make payments in respect of cover for absent GP performers, which is provided by nurses or other health care professionals;
  - how the commissioner is likely to exercise its discretionary powers to make payments to a partner or employee who is providing locum cover
  - how the commissioner is likely to use its discretionary powers to make payments in respect of long term sickness absence exceeding 52 weeks

## Discretionary powers in respect of cover for parental and sickness leave

14. The commissioner has discretion to make payments in circumstances where it is not obliged to under the terms of the SFE, including top-up payments above the level of the agreed weekly maximum.
15. The commissioner is likely to exercise these discretionary powers to make payments **only** in exceptional circumstances, for example (but not limited to) consideration of:
- demonstrable financial hardship
  - areas of significant deprivation
  - GP recruitment difficulties
  - applications from single-handed GPs
  - applications from nurse-led PMS practices
16. Where practices plan to apply for reimbursement in such circumstances they should always ensure they have written agreement from the commissioner prior to arranging cover.

## Circumstances where it is likely payments will be less than the maximum amount payable

17. The commissioner will pay the maximum amount payable except in the following circumstances:
- Where actual invoiced costs are less than the maximum amount payable, then the commissioner will pay the actual invoiced costs subject to the provisions of this protocol including the bullet points below.
  - With respect to parental leave, where the commissioner agrees to make payments for any weeks between weeks 27 to 52 for cover for additional maternity leave or adoption leave, the commissioner will pay the lower of either 50 per cent of the weekly rate it paid for weeks 3 to 26 or 50 per cent of the actual invoiced costs.

## Payments for locum cover provided by nurses or other healthcare professionals

18. The commissioner will not pay for cover provided by nurses or other healthcare professionals.

## Payments to a partner or employee who is providing cover

19. Where a contractor wishes to engage the services of a partner or shareholder in, or an employee of, that contractor, payments will be made to the GP practice in accordance with the normal provisions set out above. However, the GP performer providing cover would only be permitted to work up to the full-time limit of nine

clinical sessions per working week. The maximum of nine clinical sessions per working week is to include any existing / normal commitments by the GP performer providing the cover.

## **Discretionary payments in respect of long term sickness absence exceeding 52 weeks**

20. Where a GP performer is on long term sickness leave, and locum payments are no longer payable under Section 16 of the SFE, it will be at the commissioner's discretion whether to continue to make payments.

21. In any case, those payments will not exceed the half rate payable in the second period of 26 weeks under paragraph 16.6(b) of the SFE, or the amount that would be payable under the NHS Pension Scheme Regulations if the performer retired on ground of permanent incapacity, whichever is the lower

## **Claims and payments**

22. For parental leave, payments start from the day the GP performer goes on parental leave for the periods set out above and payment weeks are five working days.

23. For sickness leave, payments start two weeks from the day the GP performer goes on sick leave for the periods set out above and payment weeks are also five working days.

24. A sample claim form is at Annex A.



## Sample claim form

### Claim for additional payments during parental or sickness leave

Please complete this form and send it to [NAME OF COMMISSIONER].

If circumstances should change after your application has been submitted, please complete a new form and forward it to [NAME] as soon as possible, before submitting a claim for payment.

#### Practice's Details

Practice name: .....

Practice address: .....

.....

..... Post code: .....

Telephone number: .....

#### Description of why additional payment is being sought

.....  
.....  
.....  
.....  
.....

#### Details of GP performer taking leave

Surname: ..... First Name: .....

Claim period: ..... Number of weeks<sup>4</sup>: .....

Number of clinical sessions worked.....

Reason for claim (*delete as appropriate*): MATERNITY / PATERNITY / ADOPTION / SICKNESS

<sup>4</sup> Weeks are defined as five working days

**Declaration of GP performer taking leave**

I ..... certify that:  
*(Full name in capitals)*

The information shown on the reverse side of this form provides an explanation of how the practice intends to cover my period of absence.

Where necessary, I have already submitted *(please tick the box that applies)*:

- a. a certificate of confinement, a confirmation letter of prospective fatherhood or a letter confirming adoption leave from the appropriate adoption agency, in support of this claim
- b. a sick note from my GP stating the reason and expected length of absence

I declare that the information provided in this claim is correct and complete. I agree to provide NHS England with written records demonstrating the actual cost of the cover and will inform NHS England if there is any change to the cover arrangements. I claim the appropriate payment for the practice.

Signature: ..... Date: .....  
*(An authorised signatory who is prepared to take responsibility for this declaration may sign here on behalf of the GP performer taking leave if he/she is not available to do so.)*

**Arrangements to cover GP performer absence**

Please provide a brief explanation of how cover will be provided.  
*(i.e. will this be via a locum, GPs already working in the practice, or a combination)*

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**Details of external GPs covering absence**

If employing an external locum GP to cover the GP performer's absence, then please complete the information below (add more lines if required).

1. Name and surname: .....

Period of cover: ..... (No. of weeks: .....)

Number of clinical sessions worked.....

Amount paid to individual: £.....

2. Name and surname: .....

Period of cover: ..... (No. of weeks: .....)

Number of clinical sessions worked.....

Amount paid to individual: £.....

3. Name and surname: .....

Period of cover: ..... (No. of weeks: .....)

Number of clinical sessions worked.....

Amount paid to individual: £.....

**Details of internal GPs covering absence**

If employing an external locum GP to cover the GP performer's absence, then please complete the information below (add more lines if required).

4. Name and surname: .....

Period of cover: ..... (No. of weeks: .....)

Number of clinical sessions worked.....

Amount paid to individual: £.....

**Please provide invoices in support of this claim.**