Dear Colleague

ADDITION FOR SENIORITY
AMENDMENT TO THE STATEMENT OF FEES AND ALLOWANCES

Summary

1. This circular provides details of an amendment to the Statement of Fees and Allowances (SFA) to remove the requirement for GPs to serve a qualifying period before they are eligible to receive seniority payments following a break in service. The amendment has been back dated to 1 April 2002. This means that;

   • Any GP returning from a break in service from 1 April 2002 onwards is not required to serve a qualifying period. Seniority payments should be back dated to either 1 April 2002 or the date of return, whichever is the later.

   • Any GP who was serving a qualifying period on 1 April 2002 is entitled to seniority payments from that date and payments should be back dated as such.

2. The circular also extends eligibility to include medical service in the armed forces of another European Economic Area (EEA) member state and medical service in the public service in another EEA member state.

General

3. A determination of the changes to the SFA is included in this circular at Annex A. A copy of the amendment to the SFA is included at Annex B. In addition, the SFA on the Scottish Health on the Web site will be amended as soon as possible.
Action

3. Primary Care Trusts/ Island NHS Boards are requested to bring this Circular to the attention of the GP practices in their area and to their Area Medical Committee for the attention of the Secretary of the GP Sub-Committee.

Yours sincerely

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ANNEX A

AMENDMENT TO THE STATEMENT OF FEES AND ALLOWANCES

DETERMINATION

Scottish Ministers, pursuant to regulation 35(1) of the National Health Service (General Medical Services) (Scotland) Regulations 1995, hereby determine that the amendments to paragraph 16 of the Statement of Fees and Allowances as set out in annex B shall take effect from 1 April 2002.
PARAGRAPH 16

Addition for Seniority

Eligibility

16.1 With effect from 1 April 1999 and subject to the provisions below, an additional payment for seniority will be made to every practitioner eligible for a basic practice allowance in accordance with the following conditions;

i. First payment - to a practitioner who has been registered for 10 years or more and who has been:

(a) a principal providing unrestricted general medical services under the National Health Service;

(b) a doctor named in a pilot scheme under Section 1 of the NHS (Primary Care) Act 1997 as primarily responsible for the performance of personal medical services in connection with that scheme;

(c) in medical service in HM Forces, or the armed forces of another European Economic Area (EEA) member state, recognised for this purpose by Scottish Ministers; or

(d) in medical service in the public service in another EEA member state, recognised for this purpose by Scottish Ministers for an aggregate of at least 6 years.

ii. Second payment - to a practitioner who has been registered for 17 years or more and who has been:

(a) a principal providing unrestricted general medical services under the National Health Service

(b) a doctor named in a pilot scheme under Section 1 of the NHS (Primary Care) Act 1997 as primarily responsible for the performance of personal medical services in connection with that scheme;

(c) in medical service in HM Forces, or the armed forces of another EEA member state, recognised for this purpose by Scottish Ministers; or

(d) in medical service in the public service in another EEA member state, recognised for this purpose by Scottish Ministers for an aggregate of at least 13 years.

iii. Third payment - to a practitioner who has been registered for 23 years or more and who has been:
(a) a principal providing unrestricted general medical services under the National Health Service

(b) a doctor named in a pilot scheme under Section 1 of the NHS (Primary Care) Act 1997 as primarily responsible for the performance of personal medical services in connection with that scheme;

(c) in medical service in HM Forces or the armed forces of another EEA member state, recognised for this purpose by Scottish Ministers; or

(d) in medical service in the public service in another EEA member state, recognised for this purpose by Scottish Ministers

for an aggregate of at least 19 years.

iv. Fourth payment - to a practitioner who has been registered for 29 years or more and who has been:

(a) a principal providing unrestricted general medical services under the National Health Service;

(b) a doctor named in a pilot scheme under Section 1 of the NHS (Primary Care) Act 1997 as primarily responsible for the performance of personal medical services in connection with that scheme;

(c) in medical service in HM Forces or the armed forces of another EEA member state, recognised for this purpose by Scottish Ministers; or

(d) in medical service in the public service in another EEA member state, recognised for this purpose by Scottish Ministers

for an aggregate of at least 25 years.

LEVEL OF PAYMENT

16.2 The rates shown in paragraph 1/Sch.1 are for practitioners in receipt of basic practice allowance at the maximum rate.

16.3 Part time practitioners and those full-time practitioners not eligible for basic practice allowance at the maximum rate will be eligible for seniority addition as shown in paragraph 13.1.

16.4 Each job-sharer will be assessed for a seniority addition on an individual basis and payment will be reduced pro rata to the number of hours notified to Practitioner Services Division as in paragraph 24(4) of the Terms of Service.

16.5 Practitioners in receipt of inducement payments under paragraphs 45.1-6 of this Statement will receive the maximum addition for seniority as shown in paragraph 1/Sch.1. as appropriate.
ELIGIBLE SERVICE

16.6 For the purpose of paragraph 16.1 service in an appointment made under regulations 24(2) or 24(7) in which unrestricted general medical services are provided shall be regarded as service as a principal providing unrestricted general medical services.

16.7 For the purpose of paragraph 16.1 each two years duly authenticated service as a full-time assistant in National Health Service general practice between 5 July 1948 and 31 March 1966 may be counted as one year's additional service as a principal providing unrestricted general medical services and fractions of two years pro rata. Claims for such service to be accepted should be made to Practitioner Services Division and should give details (including the dates) of relevant service. Where possible claims will be authenticated from National Health Service records. If Practitioner Services Division is unable otherwise to obtain authentication of the service claimed, the onus will be on the practitioner to provide documentary evidence in support of his or her claim and acceptance will be subject to the satisfaction of Practitioner Services Division.

16.8 The eligibility for a seniority payment of a practitioner on the Medical List at 31 March 1980 will continue to be determined in accordance with the criteria in force immediately prior to 1 April 1980 until it becomes more favourable to the practitioner for eligibility to be assessed in accordance with the criteria set out above. Practitioner Services Division may allow a practitioner who was not included in the Medical List at 31 March 1980 to be treated for the purpose of this paragraph as though he or she had been so included, if Practitioner Services Division are satisfied with the practitioner's explanation of any temporary break in service.

16.9 In determining the length of time a practitioner has either provided unrestricted general medical services under the National Health Service or been a practitioner named in a pilot scheme under Section 1 of the NHS (Primary Care) Act 1997 as primarily responsible for the performance of personal medical services in connection with that scheme, Practitioner Services Division of the Common Services Agency will ignore any period during which the practitioner, while remaining on the Medical List, or continuing to be named in a pilot scheme was absent from the practice on account of compulsory national service, holiday, sick leave, study course or hospital attachment.

METHOD OF CLAIMING

16.10 Application for the payment should be made on Form GP79 obtainable from Practitioner Services Division.

SERVICE IN HM FORCES AND THE ARMED FORCES OF ANOTHER EUROPEAN ECONOMIC AREA MEMBER STATE

16.11 Claims for service as a medical officer in HM Forces or service as a medical officer in the armed forces of another EEA member state to be recognised for seniority purposes should be made to Practitioner Services Division and should give details (including the dates) of relevant postings. The claims will be forwarded by Practitioner Services Division with any comments they wish to make to Scottish Ministers, who will inform the Practitioner Services Division whether and if so what periods can be accepted. Scottish Ministers will consult the Ministry of Defence or the appropriate body in the EEA member state on individual postings. Service which is recognised will be that in posts where a doctor took full clinical responsibility for the provision of general medical services to servicemen's and servicewomen's families and normally civilian employees as well as the servicemen and servicewomen themselves and in such numbers that his or her practice both in size and scope was comparable to that of a principal in NHS general practice; this definition will not normally be satisfied in the case of National Service. Scottish Ministers will consider on its merits any service in HM Forces under the Crown but not in the Forces of the United Kingdom, provided...
that acceptable authenticated confirmation of the size, nature and scope of the practice and the clinical responsibilities carried is provided by the practitioner.

16.12 For the purpose of paragraph 16.9 employment as a medical practitioner in a civilian capacity by the Ministry of Defence or by the relevant equivalent body of another EEA member state shall be treated as service as a medical officer in HM Forces or in the armed forces of another EEA member state.

SERVICE WITH THE FOREIGN AND COMMONWEALTH OFFICE

16.13 Certain service with the Foreign and Commonwealth Office as a Medical Officer in diplomatic missions abroad (those posts in Warsaw, Moscow, Dhaka and New Delhi) may be recognised for seniority addition purposes. Claims for such service to be recognised should be made to Practitioner Services Division and should give details (including the dates) of relevant postings. The claims will be forwarded by Practitioner Services Division with any comments they wish to make to Scottish Ministers who will inform Practitioner Services Division whether and if so what periods can be accepted. Scottish Ministers will consult with the Foreign and Commonwealth Office on individual postings. Service which is recognised will be that in posts abroad where a doctor took full clinical responsibility for the provision of general medical services to:

i. Members of the Foreign and Commonwealth Office and their families;

ii. Members of the Overseas Development Administration and their families;

iii. Members of the British Council and their families;

iv. British residents, official visitors and aid workers;

v. Commonwealth and EEA member state official visitors; and

vi. Staff and families of other Commonwealth, EEA member state or friendly Missions;

and in such numbers that his or her practice both in size and range of services provided, was comparable to that of a principal in NHS general practice.

16.14 For the purpose of paragraph 16.1 each 2 years duly authenticated service as a full-time Medical Officer with the Foreign and Commonwealth Office in diplomatic missions abroad may be counted as one year's additional service as a principal providing unrestricted general medical services and fractions of 2 years pro rata.

UNRESTRICTED GENERAL MEDICAL SERVICES

16.15 The term "principal providing unrestricted general medical services" in the preceding sub-paragraphs includes a practitioner whose services have been restricted only to the extent of being relieved of the liability to have patients assigned to him or her or to undertake emergency calls out of hours for patients not on his or her list.

PERIODS OF REGISTRATION

16.16 For the purpose of determining the number of years a practitioner has been registered the following provisions will apply:

i. Registration by the General Medical Council or the Medical Registration Council of the Republic of Ireland will count from
the date of provisional (but not temporary or limited) registration, where such a date is shown, and otherwise from the date of full registration.

ii. Practitioner Services Division may allow a practitioner to count registration from the date of first registration by an overseas authority by virtue of any qualification (including a European qualification), recognised or accepted by the General Medical Council for provisional, full, temporary or limited registration. A practitioner wishing to count registration from the date of first registration overseas will be asked to produce documentary evidence of the overseas registration and of having been granted provisional, full, temporary or limited registration by the General Medical Council on the basis of the qualification by virtue of which he or she obtained the overseas registration. Where a practitioner claims that such evidence cannot be produced, he or she should give a full explanation of the circumstances in his or her claim. In such cases, and where Practitioner Services Division is not satisfied that an application by a practitioner to count registration from a date prior to provisional or full registration by the General Medical Council or the Medical Registration Council of the Republic of Ireland is covered by the foregoing provisions, Practitioner Services Division may refer the application to Scottish Ministers who will decide whether the application may exceptionally be allowed.

iii. A practitioner's registration should normally be continuous. Registration will be regarded as continuous if a doctor is registered in one of the countries of the European communities during a period when he or she is not registered with the General Medical Council or the Medical Registration Council of the Republic of Ireland. Practitioner Services Division may, however, ignore a break of up to 1 year in registration by the General Medical Council following failure to reply to an inquiry from the Registrar or a break of up to 6 months solely because a practitioner has moved his or her place of practice from the area of one overseas registration authority to another or to the United Kingdom or Ireland, ie where no question of disciplinary action by the registration authority is involved. A period during which for disciplinary reasons a practitioner's name has been erased or he or she has been suspended from the Register of the General Medical Council or of any other authority with whom registration has been accepted by Practitioner Services Division for seniority purposes shall not be counted as a period of registration; but periods of registration immediately before and after the period of erasure or suspension may be aggregated.

iv. If a practitioner so wishes, any other break will be referred to Scottish Ministers to determine whether it may be ignored or
(after consultation with representatives of the profession) it should be treated as a break for disciplinary reasons.

v. A practitioner already in receipt of a seniority payment will continue to receive payment by virtue of the earlier provisions relating to seniority payments until such time as he or she makes and Practitioner Services Division accepts a revised application for a higher level of payment in accordance with the terms of this paragraph.

BREAKS IN SERVICE

16.17 Where a practitioner resigns from the Medical List or ceases to be named in a pilot scheme under Section 1 of the NHS (Primary Care) Act 1997 as primarily responsible for the performance of personal medical services in connection with that scheme and subsequently returns to general practice as a principal or as a practitioner named in a pilot scheme, he or she will be eligible for a seniority payment from the date of return, at the same level as that which the practitioner received immediately prior to the break, provided he or she satisfies the eligibility criteria set out in paragraph 16.1.