

# NATIONAL HEALTH SERVICE ACT 1977

## STRATEGIC HEALTH AUTHORITIES AND GP REGISTRAR (AMENDMENT) DIRECTIONS 2005

The Secretary of State for Health, in exercise of powers conferred on her by section 17(1) of the National Health Service Act 1977(a) and by regulation 13(17) of the National Health Service (Performers List) Regulations 2004(b), hereby gives the following Directions:—

### Application, commencement and interpretation

1.—(1) These Directions are given to Strategic Health Authorities and may be cited as the Strategic Health Authorities and GP Registrar (Amendment) Directions 2005.

(2) These Directions shall come into force on 24 June 2005.

(3) These Directions apply in relation to England only.

(4) In these Directions, “the GP Registrar Directions 2003” means the Directions to Strategic Health Authorities Concerning GP Registrars that came into force on 3<sup>rd</sup> November 2003.

### Amendments to the GP Registrar Directions 2003

2.—(1) In direction 1(3) of the GP Registrar Directions 2003, in the appropriate alphabetical position, insert—

““Amendment Directions 2005” means the Strategic Health Authorities and GP Registrar (Amendment) Directions 2005 which came into force on 24 June 2005;”

(2) After direction 4 of the GP Registrar Directions 2003, insert the following—

### “Transitional provision relating to the Amendment Directions 2005

4.—(1) Where a GP Registrar was in a GP Registrar post on or after 1<sup>st</sup> April 2005, and that GP Registrar’s GP Trainer was at any time on or after that date entitled to receive a payment in respect of him from a Strategic Health Authority pursuant to paragraph 2 of Schedule 1 to these Directions, that Strategic Health Authority shall make a payment to that GP Trainer calculated in accordance with paragraph (2).

(2) The payment specified in paragraph (1) shall consist of—

- (a) the allowance the GP Trainer would have received in respect of the GP Registrar between 1<sup>st</sup> April 2005 and 23 June 2005 (for the period within that time that the GP Trainer was entitled to be paid by that Strategic Health Authority in respect of that GP Registrar pursuant to paragraph 2 of Schedule 1 to these Directions) as if the amendments to Annex 3 of Schedule 1 to these Directions effected by the Amendment Directions 2005 had taken effect on 1<sup>st</sup> April 2005; minus
- (b) the allowance that the Strategic Health Authority actually paid to that GP Trainer in respect of that GP Registrar during the period specified in sub-paragraph (a).”.

### Amendments to the Schedules to the GP Registrar Directions 2003

3.—(1) In Schedule 1 to the GP Registrar Directions 2003—

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(a) 1977 c.49. Section 17 was substituted by section 12 of the Health Act 1999 (c.8); and amended by the National Health Service Reform and Health Care Professions Act 2002 (c.17), Schedule 1, paragraph 7.  
(b) S.I. 2004/585.

- (a) in the contents index—
  - (i) for the words “National Health Service (General Medical Services Supplementary List) Regulations 2001” (which appear after the heading for entry 57)), substitute “National Health Service (Performers List) Regulations 2004”,
  - (ii) for the heading above paragraphs 42) to 56), substitute “Maternity, Paternity and Adoption Leave”,
  - (iii) for the entries for paragraphs 42), 45), 46), 47), 48), 51), 52) and 53), substitute the headings in respect of those paragraphs contained in the provisions to be inserted by sub-paragraph (b), and
  - (iv) between the entry for paragraphs 52) and 53), insert “52A) Paternity Leave and pay” followed by “52B) Adoption leave and pay”;
- (b) for paragraphs 42 to 56 and the heading immediately above paragraph 42, substitute—

## **“Maternity, Paternity and Adoption Leave**

### **42) Maternity, paternity and adoption leave for GP Registrars**

Payments in respect of the GP Registrar’s allowance will continue to be made to GP Trainers during any maternity, paternity or adoption leave taken by the GP Registrar in accordance with this Part and provided that the relevant conditions set out in paragraphs 43 to 56 are met. These conditions are generally similar to those applicable to hospital doctors (contained in Section 6 of the NHS General Whitley Council Conditions of Service Handbook as amended). It should be noted that the provisions that follow do not constitute an entitlement for GP Registrars to maternity, paternity or adoption leave or pay as these are matters between the GP Registrar and the GP Trainer as her employer subject to statutory entitlements (see paragraph 56). The purpose of the provisions is to set out the conditions to be met in order that the GP Trainer can continue to be reimbursed the cost of the allowance paid to the GP Registrar. Before payment is made, the GP Trainer and the GP Registrar may be required to confirm that the arrangements made have been in accordance with these conditions.

### **43) Qualifying conditions in respect of maternity leave**

Payments to GP Trainers in respect of salaries paid to GP Registrars during maternity leave will be dependent on the GP Registrar meeting the conditions set out in sub-paragraphs (a) to (e) below.

- a) The GP Registrar has completed at least 12 months’ continuous service (which may be in one or more posts in an employing authority, a Local Authority, or as a GP Registrar in general practice) immediately before the beginning of the fifteenth week before the expected week of confinement. The following will not be considered as breaking the 12 months’ continuous service and may for this purpose be disregarded—
  - (i) a break in service of 3 calendar months or less, between termination of employment with one Strategic Health Authority and resumption with another,
  - (ii) a break of 3 calendar months or less between GP Registrar posts,
  - (iii) a break of less than 6 calendar months spent in the employment of a person who provides primary medical services to the National Health Service pursuant to a general medical services contract, a personal medical services agreement or an alternative provider medical services contract (under section 16CC(2) of the National Health Service Act 1977), or

(iv) a period of up to 6 months spent abroad as part of an approved vocational training programme on the advice of a Postgraduate Dean or College or Faculty Adviser in the speciality concerned.

- b) The GP Registrar continues to be employed by the GP Trainer until immediately before the beginning of the fifteenth week before the expected week of confinement.
- c) The GP Registrar notifies the GP Trainer, in writing, of her intention to take maternity leave and whether or not she intends to resume the traineeship with the same or another GP Trainer after her confinement; and that this notification is made not later than 21 days before the commencement of maternity leave, or, if this is not possible, as soon as is reasonably practicable.
- d) The GP Registrar submits to the GP Trainer a statement from a registered medical practitioner or a certified midwife indicating the expected date of confinement as soon as possible and in any event not later than 21 days before the commencement of maternity leave, or, if this is not possible, as soon as is reasonably practicable.
- e) In this paragraph, “employing authority” means a Primary Care Trust, a Strategic Health Authority or an NHS Trust.

#### **44) Commencement of Maternity Leave**

Payments to GP Trainers will be made as follows:

- a) where maternity leave commences not earlier than the beginning of the fifteenth week before the expected week of confinement. Postponement is subject to the production to the GP Trainer of written evidence from a practitioner of capacity to continue the traineeship.
- b) where a GP Registrar is on sick leave prior to the fifteenth week before the expected week of confinement and confinement occurs, maternity leave commences from the beginning of the actual week of confinement and any earlier absence, supported by a medical statement of incapacity for work, or a self-certificate, is treated as sick leave in accordance with provisions of paragraph 41. If the GP Registrar works in the actual week of confinement and is therefore entitled to payment in respect of the work done, maternity leave should start on the first day of absence. Payment will continue to be made to the GP Trainer where, with his or her agreement, a GP Registrar whose confinement has occurred prior to the fifteenth week before the expected week of confinement, spreads her maternity leave entitlement, taking a short period of leave immediately after confinement and then returning to work to take the balance of leave following the child's discharge from hospital.
- c) where a GP Registrar has chosen to work beyond the sixth week before the expected week of confinement, absence on account of sickness after the fifteenth week which is certified as unrelated to pregnancy is dealt with in accordance with the provisions of paragraph 41 and such absence is treated as sick leave until the date previously agreed that she should commence maternity leave. If illness is attributable to pregnancy, then maternity leave commences from the fourth day of such absence, the first 3 days being dealt with in accordance with the provisions of paragraph 41.

#### **45) Other Conditions to be met by the GP Registrar and GP Trainer in respect of maternity leave**

GP Trainers and GP Registrars should ensure that the following conditions are met—

- a) the GP Registrar should provide written confirmation of the actual date of confinement;

- b) the GP Trainer should send a written request to the GP Registrar, not earlier than 49 days from the date on which he or she was notified as the beginning of the expected week of confinement or the date of confinement, asking the GP Registrar to state in writing whether she intends to resume her traineeship, and in the course of the request explain to her the effect of this provision on her right to return;
- c) the GP Registrar should provide the written notice asked for within 14 days of receiving the request (or if that is not reasonably practicable, as soon after as is reasonably practicable);
- d) where appropriate, the GP Registrar should inform her GP Trainer of the date she proposes to return, in writing, at least 21 days before that date; and
- e) if the GP Trainer has reasonable doubts whether the GP Registrar is medically fit to return to duty after confinement, her return should be delayed until the GP Registrar produces a doctor's statement of fitness for duty.

**46) Payments to GP Trainers in respect of maternity pay**

Payments to GP Trainers in respect of the allowance for GP Registrars during maternity leave will be on the following basis—

- a) for the first 8 weeks of absence (weeks 1 to 8), full allowance, less any Statutory Maternity Pay or Maternity Allowance (including any dependant's allowances) receivable;
- b) for the next 14 weeks of absence (weeks 9 to 22), half of the full allowance plus any Statutory Maternity Pay or Maternity Allowance (including any dependant's allowances) receivable providing the total receivable does not exceed full allowance;
- c) for the next 4 weeks of absence (weeks 23 to 26), the standard rate of Statutory Maternity Pay or Maternity Allowance;
- d) the GP Registrar shall have entitlement to maternity leave, including the period of paid maternity leave, of 52 weeks;
- e) in the event of a still-birth after the start of the sixteenth week before the expected week of confinement, the GP Registrar shall be entitled to maternity pay and leave entitlements under this paragraph as if the birth had been live;
- f) a GP Registrar who has retained her option to pay the reduced rate Class 1 National Insurance contributions shall be deemed for the purposes of this paragraph to be in receipt of the full rate of National Insurance benefits, including Dependant's benefit, which would have been receivable had she not elected to pay the reduced rate contributions. Payment due under this scheme shall be subject to adjustment by reference to an appropriate notional rate of Maternity Allowance and other weekly National Insurance benefits;
- g) the period of continuous employment for the purpose of satisfying the service qualification in paragraph 43 shall be calculated in accordance with section 211 of the Employment Rights Act 1996 as amended, except that a break in service shall be as defined in paragraph 43;
- h) full pay shall be calculated using the average weekly earnings rules used for calculating Statutory Maternity Pay entitlements, subject to the following qualifications—

- i) in the event of the GP Registrar allowance being increased before the paid maternity leave period begins, the payment to the GP Trainer in respect of the GP Registrar's maternity pay should be calculated as though the increase had effect throughout the entire Statutory Maternity Pay calculation period,
  - ii) in the event of an increase to the GP Registrar allowance during the paid maternity leave period, the payment to the GP Trainer in respect of the GP Registrar's maternity pay should be increased accordingly from the date of that increase, and
  - iii) in the case of a GP Registrar on unpaid sick absence or on sick absence attracting half pay during the whole or part of the period used for calculating average weekly earnings in accordance with the earnings rules for Statutory Maternity Pay purposes, average weekly earnings for the period of sick absence shall be calculated on the basis of full sick pay;
- i) in the case of a part-time GP Registrar "full pay" or "full allowance" means the amount earned by the GP Registrar for the hours normally worked and proportionate payments will be based on the full allowance so determined;
  - j) where a GP Registrar qualifies for maternity leave but she has notified the GP Trainer in advance of the commencement of maternity leave that she does not intend to resume her traineeship with the same or another GP Trainer, the payments to her GP Trainer in respect of the GP Registrar's allowance will be the equivalent of 6 weeks pay at 9/10ths full pay less the flat rate National Insurance Maternity Allowance, if receivable, or in the case of those married women GP Registrar optants who do not qualify for Statutory Maternity Pay the equivalent notional benefit provided that the GP Registrar also has the following service:
    - i) 2 or more years' continuous service with 1 or more employing authorities or as a GP Registrar in general practice, of at least 16 hours a week; or
    - ii) 5 or more years' continuous service with 1 or more employing authorities or as a GP Registrar in general practice, of at least 8 hours a week.
  - k) the period of continuous employment or the purpose of satisfying the conditions of paragraphs 46(j) i) and ii) will be as defined in paragraph 43 and the 6 weeks period shall be regarded as service.

**47) GP Registrars returning to their traineeships after maternity leave**

A GP Registrar who has notified her Director and her GP Trainer that, following confinement, she intends to return to work in accordance with paragraph 43(c) must be able to resume her traineeship under her original contract and on no less favourable terms and conditions.

**48) Failure to return to work after maternity leave**

Where a GP Registrar, who has notified her GP Trainer of her intention to resume her traineeship on a particular date after expiry of her maternity leave fails to return to work, the GP Trainer should notify the Strategic Health Authority immediately and return to the Strategic Health Authority any payments, less any Statutory Maternity Pay to which the GP Registrar is entitled, that may have been sent to him in respect of the GP Registrar on the assumption that the GP Registrar had, as originally intended, resumed her traineeship on expiry of her maternity leave.

**49) Extension of traineeship during maternity leave**

Where a GP Registrar who satisfies the conditions in paragraph 43 is subject to a contract which expires after the eleventh week before the expected confinement and before 6 weeks after the expected week of confinement, and the Director extends the contract so as to enable her to receive 22 weeks paid maternity leave, payments to the GP Trainer, within the scope defined in paragraph 52, will cover the whole of that period.

**50) Time off for ante-natal care**

GP Trainers should not unreasonably refuse time off work to receive ante-natal care provided that:

- a) a GP Registrar makes an appointment for such care and requests time off for the purpose; and
- b) in respect of the first such appointment the GP Registrar provides evidence on request from the GP Trainer that she is pregnant and that an appointment has been made.

**51) Sick pay and maternity leave**

Where a GP Registrar submits a medical statement from a practitioner, or a self-certificate to cover absence from:

- a) the date she has notified her GP Trainer that she will return to work following confinement; or
- b) the date she and the GP Trainer have agreed that she will return; or
- c) where no date has been notified or agreed, the first day following the maximum period on maternity leave,

then payments may be made to the GP Trainer in accordance with the provisions of paragraph 41 from that date. Except as provided for in paragraph 44b) payments made to the GP Trainer in respect of absences during the period from the beginning of the fifteenth week before the expected week of confinement until the date in paragraph a) to c) above shall be treated as made in respect of maternity leave and entitlement of the GP Trainer to payments under the provisions of paragraph 41 shall be suspended during this period.

**52) Scope of payments: maternity leave and adoption leave**

No payments under the GP Registrar Scheme will be made during the GP Registrar's absence on maternity leave or adoption leave, other than payments in respect of the GP Registrar's allowance as provided for in paragraphs 42 to 51 (maternity leave) or 52B (adoption leave), and the employer's share of National Insurance and superannuation contributions as appropriate.

**52A) Paternity leave and pay**

- a) Payments to GP Trainers in respect of the allowance for GP Registrars during paternity leave will be on the following basis:
  - i) 2 weeks at the full allowance, where the GP Registrar has 12 months' continuous service; or
  - ii) 2 weeks Statutory Paternity Pay where the GP Registrar has been continuously employed for at least 26 weeks ending with the 15<sup>th</sup> week before the expected date of birth.

- b) Sub-paragraph a) applies to biological and adoptive fathers, the same sex partner of a woman who has given birth to a child and the same sex partner of a person who has adopted a child.
- c) Paragraph 46g), h) and i) apply to payments under this paragraph as if references to “Statutory Maternity Pay” were to “Statutory Paternity Pay” and as if references to “maternity leave” were to “paternity leave”: the definition of “continuous service” in paragraph 43a) also applies to this paragraph.
- d) The GP Trainer shall inform the GP Registrar as to the period during which leave can be taken and whether it must be taken in a continuous block or may be split up over a specific period.
- e) The GP Registrar must give the GP Trainer a completed form SC3 *Becoming a parent* at least 28 days before they want the paternity leave to start.
- f) GP Trainers should not unreasonably refuse time off work to attend ante-natal classes provided that:
  - (i) a GP Registrar requests time off for the purpose; and
  - (ii) in respect of the first such class the GP Registrar provides evidence on request from the GP Trainer that his partner is pregnant and that an appointment has been made to attend an ante-natal class.

**52B) Adoption Leave and pay**

- a) If an eligible GP Registrar is going to be the adoptive parent of a child and will be the main care provider for that child, the GP Trainer shall be eligible for payments in respect of that GP Registrar in accordance with this paragraph during a period of adoption leave, the period of such leave to be agreed between the GP Trainer and the GP Registrar, subject to relevant statutory requirements.
- b) In this paragraph, “eligible GP Registrar” means a GP Registrar who has 12 months’ continuous service within the meaning of paragraph 43a), as if for the words “immediately before the beginning of the fifteenth week before the expected week of confinement” in that paragraph, there were substituted “ending with the week in which the GP Registrar was notified of having been matched with the child for adoption, including any such notification received from an adoption agency”.
- c) Paragraph 46g), h) and i) apply to payments under this paragraph as if references to “Statutory Maternity Pay” were to “Statutory Adoption Pay” and as if references to “maternity leave” were to “adoption leave”.
- d) Payments to GP Trainers in respect of the allowance for GP Registrars during adoption leave will be:-
  - i) for the first 8 weeks of absence (weeks 1 to 8), full allowance, less any Statutory Adoption Pay receivable;
  - ii) for the next 14 weeks of absence (weeks 9 to 22), half of the full allowance plus any Statutory Adoption Pay, providing the total receivable does not exceed full allowance;
  - iii) for the next 4 weeks of absence (weeks 23 to 26), the equivalent to the standard rate of Statutory Adoption Pay.

- e) Reasonable time off to attend official meetings in the adoption process should also be given.

**53) Certifying Strategic Health Authorities: maternity leave and adoption leave**

GP Trainers should inform Strategic Health Authorities and Directors as soon as they receive notices of expected confinement from GP Registrars in respect of maternity leave or, as regards adoption leave, as soon as the GP Trainer becomes aware that a GP Registrar intends to take such leave.

**54) Incremental Dates**

Absence on maternity, paternity and adoption leave, whether paid or unpaid, shall count towards any incremental progression to which the GP Registrar may be entitled, and will not defer the original incremental date.

**55) Extension of Traineeship**

Extension of the total period of the traineeship by the appropriate period of maternity, paternity or adoption leave shall be allowed by the Director to enable training to be completed (including, in the case of maternity or adoption leave, a longer extension where, with the Director and GP Trainer's agreement, the GP Registrar works fewer hours than prior to her confinement).

**56) Statutory Rights**

Nothing in the conditions for payments to GP Trainers in respect of a GP Registrar's maternity, paternity or adoption leave shall be interpreted as qualifying a GP Registrar's statutory maternity, paternity or adoption leave rights.”;

- (c) in the heading immediately above paragraph 58, and in that paragraph, for the words “National Health Service (General Medical Services Supplementary List) Regulations 2001”, substitute “National Health Service (Performers List) Regulations 2004”;
- (d) in paragraph 59, for the word “supplementary”, substitute “performers”; and
- (e) for Annex 3, substitute the Annex 3 contained in the Schedule to these Directions.

(2) In Schedule 2 to the GP Registrar Directions 2003—

- (a) in the heading to that Schedule; and
- (b) in paragraph 9 of that Schedule,

for the words “National Health Service (General Medical Services Supplementary List) Regulations 2001”, substitute “National Health Service (Performers List) Regulations 2004”.”

## SCHEDULE

### ANNEX 3 OF SCHEDULE 1 TO THE GP REGISTRAR DIRECTIONS 2003

“Annex 3

## **PAYMENTS IN RESPECT OF THE GP REGISTRAR SCHEME**

- a. Training grant £7,024
- b. Allowance for additional motor vehicle
- (1) for one year's full-time training £4,598.10
- (2) for 2 year's part-time training (for each year) £3,016.30
- c. Col A : Hospital salary (last NHS appointment held) = current GPR basic allowance
- Col B : GP Registrar Supplement
- Col C : Col A + Col B = total allowance payable to GP Registrar

	A	B	C	
	£	£	£	
1. House Officer†	25,324	16,461	41,785	*
2. 1st year SHO	25,324	16,461	41,785	*
3. 2nd year SHO	27,022	17,565	44,587	*
4. 3rd year SHO	28,720	18,668	47,388	*
5. 4th year SHO	30,418	19,772	50,190	*
6. 5th year SHO	32,116	20,876	52,992	*
7. 6th year SHO	33,813	21,979	55,792	*
8. SHO maximum	35,511	23,083	58,594	*
9. 1st year SpR	28,307	18,400	46,707	*
10. 2nd year SpR	29,741	19,332	49,073	*
11. 3rd year SpR	31,174	20,264	51,438	*
12. 4th year SpR	32,607	21,195	53,802	*
13. 5th year SpR (Registrar Maximum)‡	34,337	22,320	56,657	*
14. 6th year SpR	36,067	23,444	59,511	*
15. 7th year SpR	37,796	24,568	62,364	*
16. 8th year SpR	39,526	25,692	65,218	*
17. 9th year SpR	41,255	26,816	68,071	*
18. 10th year SpR	42,985	27,941	70,926	#
19. Consultant	The current salary for the scale point of the last NHS hospital appointment, on a mark-time basis			

(SHO=Senior House Officer, SpR=Specialist Registrar)

‡ Guidance (PM(81)30) on the accreditation of previous experience in General Practice equates such experience to the Registrar grade. For the sake of clarity it should be noted that the top point of the Registrar scale is equivalent to 5<sup>th</sup> Year Specialist Registrar.

† See Paragraph 2)b)i) of Schedule 1 to these Directions.

\* Incremental dates as in last hospital post

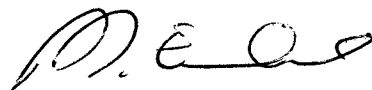
# Mark-time basis

- d. London Weighting
- (1) London Zone £2,162
- (2) The fringe area £149

- e. GP Registrar's subscription to a professional defence organisation.  
See paragraph 7 of Schedule 1 to these Directions."

Signed by authority of the Secretary of State for Health

23 June 2005



Department of Health  
A member of the Senior Civil Service