

British Medical Association

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To: All GP Practices

**Chairman of the General
Practitioners Committee**

Our Ref: GPC/LB/CF/sl

26 May 2009

Dear colleague

GP Patient Survey - QMAS and contract disputes

LMCs have informed us that many practices are appealing or considering appealing their results for the PE7 and PE8 QOF indicators.

Despite the suggestion that practices will not be able to appeal PE7 and PE8 results, it is the GPC lawyer's view that practices are fully entitled to appeal their results for up to three years. The QOF is part of the GMS contract and therefore GPC believes the contract dispute process applies.

We have been asked by LMCs on behalf of practices to address the implications of signing off QMAS (or equivalent in Wales and N Ireland) on the dispute process. **Our advice is that all practices should sign off QMAS (or its equivalent) by the deadline regardless of whether you are actively appealing or are planning to raise a dispute. However, in signing it off practices should clearly state that they reserve the right to raise a dispute regarding the accuracy of any of the sections.**

We believe the Statement of Financial Entitlements is clear that if a practice does not sign off QMAS the PCO could withhold payment of part or all of an Achievement Payment It is possible that this would also affect Aspiration Payments in 2009/10.

The delay of QOF payments would present substantial financial difficulty for practices. While we understand the considerable strength of feeling regarding the Patient Survey we cannot advise practices to put themselves at potentially significant financial risk by refusing to sign off QMAS.

We suggest that all practices considering a dispute, including those practices that have already raised a dispute:

- Immediately write to their PCO stating that the practice will be signing off QMAS (or its equivalent) in advance of the deadline but that this is without prejudice to any future claims the practice might have in relation to their achievement and the practice reserves the right to raise a dispute regarding the accuracy of any section
- Sign off QMAS (or its equivalent) in advance of the deadline
- Consider raising a dispute with the PCO if you feel the results of survey for the practice are inaccurate. The matter is being discussed urgently at national level and the GPC is pressing for a national resolution, but there is no guarantee of this at present. In the meantime we strongly suggest that practices that believe their results are inaccurate should raise such a dispute. We will keep practices informed of any developments.

Chief Executive/Secretary: Tony Bourne

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The GPC believes that under the current circumstances the process outlined above is the most effective way of raising concerns about achievement against indicators while maintaining business continuity.

The GPC is actively trying to resolve the problems that have been created by the survey in discussion with NHS Employers and the Departments of Health. We will keep practices informed of any national resolution.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Laurence Buckman', written in a cursive style.

DR LAURENCE BUCKMAN