

Focus on....

Health service body status

The GPC receives a number of enquiries about whether practices should opt to become a health service body.

If a practice opts to become a health service body, contract disputes will have to be dealt with through the NHS dispute resolution regulations. There is no alternative. If a practice holds a private law contract i.e. does not elect to become a health service body, it can choose to use either the NHS dispute procedure or use the Courts in relation to any particular dispute.

In making the decision between the NHS dispute resolution procedure and going to the Courts, a number of factors have to be borne in mind:

- how long each process will take.
- that costs can be awarded against the unsuccessful party in court proceedings but not in the NHS dispute resolution procedure
- the fact that the NHS procedure is private but that Court proceedings, or at least the outcome, are generally public.

Health service body status does not affect any other aspect of practice. It does not affect access to the NHS Pensions scheme, the ability to enter into other contracts, and partnership changes will not affect health service body status.

Other NHS bodies include NHS England, NHS Trusts and most PMS providers. The decision is ultimately for the practice about whether it wishes to be part of this 'NHS family' or whether it wishes to keep open the option of using the Courts for resolving disputes under the contract.

Practices can, at any stage, opt to become, or cease to be, a health service body, by requesting a variation of their contract with NHS England. NHS England cannot force practices to become health service bodies or relinquish their health service body status.