

June 2008

# Medical services doctors

Guidance for medical services doctors undertaking sessional work for the Department for Work and Pensions and contracted by Atos Healthcare



## **1. Introduction**

This guidance has been drafted by the Professional Fees Committee to clarify its position regarding its advice to medical services doctors undertaking work for the Department for Work and Pensions (DWP) and to highlight the current concerns of the Committee.

## **2. Background**

The Professional Fees Committee has had concerns about the fees paid to sessional doctors undertaking work for the DWP for over thirteen years. During this period, the contractors responsible for delivering medical services to the DWP have consistently refused to enter into fee negotiations with the BMA, despite intense pressure from the Committee and senior representatives from the Association. The concerns of the Committee have also been raised at ministerial level.

In March 2005, Atos Healthcare won the contract to deliver medical advice and assessment services to the DWP (formerly operated by the Benefits Agency). The contract came into effect from 1 September 2005 and, under the contract, Atos Healthcare manage the provision of medical advice and assessments on behalf of the DWP for Incapacity Benefit, Disability Living Allowance, Industrial Injuries Disability Benefits and other benefits. Atos Healthcare also provides services to the Veterans Agency.

Medical services were formerly contracted by the Benefits Agency Medical Services (BAMS) and delivered by Schlumberger Sema, via the intermediary body, Nestor Disability Analysis (NDA). Since the early 1990s, the BMA and BAMS have disagreed about the conditions of service of doctors working on a fee-paid or sessional basis for the Benefits Agency. The origin of the disagreement lies in the refusal of the Department of Social Security (DSS) to pay its doctors in line with the BMA's 'Treasury' rate fees for work for central Government departments and agencies. The result is that rates remain well behind NHS GP remuneration and rates for similar non-NHS work.

## **3. Fees paid to doctors who provide medical services**

The BMA was not consulted in advance of Atos Healthcare issuing their fee rates in either September 2005, or September 2006. The Association has however been in communication with Atos Healthcare to highlight the need to ensure that fees for non-NHS work are linked with GPs' actual remuneration and that fees are comparable with market rates. Doctors undertaking work for Atos Healthcare almost invariably come from an NHS general practice background and the serious deterioration in comparative remuneration means that recruitment and retention of doctors is likely to become increasingly difficult. The BMA firmly believes that if the issue of remuneration is not addressed then there is likely to be a further deterioration in morale amongst doctors undertaking this work and further reductions in the availability of the medical workforce. An increasing amount of medical services work is now being undertaken by doctors from overseas and the BMA believes that they are entitled to reasonable remuneration for this important work.

The Association's concerns have been raised at Ministerial level and we continue to monitor the situation and submit annual fee proposals to Atos Healthcare and request the opportunity to enter into direct negotiations. A lack of agreement with Atos Healthcare, however, means that their rates remain well behind the BMA Treasury rate for Government departments and agencies.

#### **4. Vexatious complaints**

The nature of medical services work attracts a high level of complaints, when compared with other medical work. There has been a perception among doctors of a lack of support during the complaints procedure and this has led to a number of doctors withdrawing their services, noting that a 'complaints culture' has developed.

Doctors providing medical services to the DWP are frequently subject to what may be considered 'vexatious' complaints, following consultations where the doctor has provided a professional opinion which has financial implications for the patient. As a result, doctors may feel vulnerable and be increasingly reluctant to undertake this essential area of work. The BMA has raised this issue of financially-orientated 'vexatious' complaints with the General Medical Council (GMC), who has taken on board our comments. The changes in the GMC's complaints procedure, such that the majority of complaints are now handled at a local level and doctors are no longer removed from the GMC website whilst under investigation, have somewhat eased the concerns of medical services doctors. The BMA has during previous discussion with Atos Healthcare highlighted the potential for vexatious complaints. Atos Healthcare has sought to assure the Association that this area is being closely monitored.

#### **5. Advice to members**

The BMA can provide advice to members, both through our Ask BMA service ([askbma@bma.org.uk](mailto:askbma@bma.org.uk) / 0870 6060828) and regional offices. At a national level, our advice to medical services doctors is that if they are not satisfied with the rates and terms of service offered by Atos Healthcare then it is their individual decision whether or not to continue to undertake this work.

The Association recognises that this work can provide an important source of income for doctors in portfolio careers and doctors who are partly retired. The BMA, as the representative body and trade union, will continue to lobby Atos on medical services issues brought to the attention of the Professional Fees Committee. However it is important to recognise that Atos Healthcare (and before then Schlumberger Sema) have for many years declined the request to enter into meaningful negotiations with the BMA,

#### **6. Atos Healthcare support team for doctors**

Atos Healthcare has a team in Hemel Hempstead to support doctors work needs. The team can be contacted at:

Address: Viable Practitioner Pool (VPP) Centre, Atos Healthcare, 3<sup>rd</sup> Floor, 1 Park Lane, Hemel Hempstead, Herts, HP2 4YJ.

E-mail: [vpp@atoshealthcare.com](mailto:vpp@atoshealthcare.com)

Telephone: 01442 434969

#### **7. Links**

<http://www.atoshealthcare.com>