In [October 202](https://digital.nhs.uk/data-and-information/data-collections-and-data-sets/data-collections/general-practice-pay-transparency)2, the Government amended the NHS GMS and PMS Regulations to include obligations around GPs disclosing their earnings to NHS Digital. This formed part of the 5-year framework for GP contract reform. That agreement included that GPs would not be singled out, that this would apply to “all independent contractors in the NHS”. However, there are currently no similar proposals for other contractors in the NHS, or anywhere else in the UK. The BMA has been clear about our significant concerns about this change throughout and will continue to do so.

Despite this [the regulations](https://www.england.nhs.uk/publication/general-practice-pay-transparency/) set out the categories of GPs listed below in relation to disclosing their earnings to NHS Digital so they can be published. The threshold for the financial (NHS) year 1 April 2021 – 31 March 2022, is £156,000 and the deadline for disclosure for GPs to whom the obligation applies is **30 April 2023.**

* Partners of clinical sub-contractors and sub-contractors who are an individual (including: partners of any onward clinical sub-contractors, and any onward clinical sub-contractor who is an individual) - see paragraphs 3.8 to 3.9
* individuals who work for (are engaged by) either a contractor or clinical sub-contractor (including any onward clinical sub-contractors) under either (see paragraphs 3.11 to 3.14):
	+ a contract of employment
	+ a contract for services
	+ or as a company officer (directors and any company secretary).
* Individuals engaged by a third party to provide clinical services (e.g. a locum engaged via an employment agency) - see paragraphs 3.15 and 3.16.

It is important to note that salaried GPs are only required to self-declare their earnings if their employment contract includes a term that places them under a contractual obligation to do so.

**Existing contracts with salaried GPs**

Practices will be required to ‘use reasonable endeavours’ to amend their existing employment contracts with salaried GPs to include the same obligation to self-declare earnings as set out in the regulations. Practices can only amend existing employment contracts with the salaried GP’s agreement. If a salaried GP refuses to allow their terms to be changed, they will not be under an obligation to self-declare. If a salaried GP does agree to the change, the obligation to self-declare their earnings is theirs and the practice has no obligation to monitor or enforce compliance; although the salaried GP’s obligation is in the employment contract, it is an obligation to NHS Digital, not the practice.

NHS England have not defined what ‘reasonable endeavours’ would be but contractors can be expected to ask their employees to agree to a change to their contract of employment. Contractors are not expected to try to force their employees to accept the change, and indeed it would be unacceptable for practices to take that approach. As a salaried GP, you cannot be forced to accept this change to your employment contract.

If your employer asks to change your employment contract to include the pay transparency obligation you can use the template letter at **Annex A** of this guidance to formulate your reply. We recommend that you contact the BMA first (see the box below).

It is also worth you noting the following:

**New contracts with salaried GPs**

When practices enter into new employment contracts with GPs, the employment contract must include the obligation to self-declare.

**Existing contracts self-employed locums or locum agencies**

Practices are also required to ‘use reasonable endeavours’ to amend their existing contracts with third party providers, such as self-employed locums and locum agencies to require that any locums engaged are under an obligation to self-declare under the contractual terms of their engagement

**New contracts with self-employed locums or locum agencies**

Similarly, when they enter into new contracts with other third party providers and sub-contractors the contract or terms of engagement between the practice and the provider must include an obligation that any GP supplied to the practice to work is themself placed under a contractual obligation to self-declare in accordance with the regulations.

Again, practices are not under any legal obligation to monitor or enforce compliance by their salaried GPs or locums.

If you are a BMA member and would like additional advice on the contacting of your employees or third party providers, please contact the BMA’s first point of contact team via email, telephone 0300 123 1233 or [webchat](https://www.bma.org.uk/about-us/contact-us/get-in-touch/contact-us).

If you have been contacted by your employer regarding amending your employment contract, please contact the BMA’s first point of contact team via email, telephone 0300 123 1233 or [webchat](https://www.bma.org.uk/about-us/contact-us/get-in-touch/contact-us).

Following discussion with the BMA, the letter in **Annex A** of this document may be sent to your employer.

You can choose whether to accept the addition or reject the addition. No amendments can be made to your contract without both you and your employer agreeing the terms and wording. Alterations can only be entered into without threat, for example a requirement to accept altered terms or else be dismissed would be unacceptable.

If you are happy to accept the amendment to your contract, delete option 2 in annex A.

If you want to reject the amendment to your contract, delete option 1 in annex A.

N.B. we would also recommend deleting this covering note prior to sending the letter.

**Annex A**

Name Surname

Job title

Company Name

Address

Sessional GPs – general practice pay transparency

Dear [NAME OF PRACTICE/PRACTICE MANAGER/MANAGING PARTNER]

Thank you for your letter regarding pay transparency obligations.

1. I accept the addition of the self-declaration obligation to my contract. I will assume responsibility for informing NHS Digital if my NHS earnings go above the threshold as outlined by NHS England in any given financial year (April-March).

Please provide a copy of my revised contract with the agreed wording, for my return signature.

1. I do not accept the addition of the self-declaration obligation to my employment contract. As per the terms of the BMA’s salaried GP model contract[[1]](#footnote-2), alterations to my contract can only be made by mutual agreement between both parties and without threat.

I would be grateful if you could confirm receipt of my letter.

Yours sincerely

Signatory

Job title

1. [bma-salaried-gp-handbook-updated-21-april-2022.pdf](https://www.bma.org.uk/media/6582/bma-salaried-gp-handbook-updated-21-april-2022.pdf) [↑](#footnote-ref-2)