



## GUIDANCE FOR SHEFFIELD GPs

April 2020

When Sheffield LMC is contacted with employment related queries that fall outside the LMC's remit, we advise practices to contact an alternative source of help and advice, such as the BMA's Employer Advisory Service or BMA Law.

Confusion has arisen over the years as to who can access these services and the specific issues they deal with. The following clarification has been provided by Paul Bourne, BMA Employment Relations Delivery Manager:

### **BMA EMPLOYER ADVISORY SERVICE**

This is a free service for BMA members, which offers the following:

#### For Employers

- Advice on people management.
- Advice on drawing up contracts of employment for staff employed in entities providing medical services (excluding medical businesses such as nursing homes and locum agencies), including advice on terms and conditions of service and pension matters and advice and representation on matters arising from day-to-day employment relationships with staff.
- Support and advice to conduct grievance and disciplinary hearings.
- Representation externally before employment tribunals.

#### For Independent Contractors or Self-employed

- Advice in relation to contracts for the provision of medical services (excluding medical businesses such as nursing homes and locum agencies).
- Advice on GMS & PMS contracts, including related regulations and directions, Statement of Financial Entitlements (SFE) and representation on matters arising out of the day-to-day operation of the contracts above, and advice and representation on pension matters.

#### For Medical Partnerships

- Initial advice on the drawing up of and amendments to the partnership deed/agreements, including limited advice on premises issues and advice on matters arising out of the day-to-day operation of the partnership deed/agreements.
- Mediation in partnership disputes provided this role is acceptable to all parties to the dispute.

#### For Employees

- Advice and representation on employment contracts, including terms and conditions of service and pension matters arising from an employment contract.
- Support and advice at grievance hearings and representation at disciplinary hearings and externally before employment tribunals and the civil courts.

Please note that employing GPs and the GP they employ are not put in touch with the same advisor. Also, employee and employer databases are kept separate to ensure confidentiality.

Further information about the Employer Advisory Service can be found at:

<https://www.bma.org.uk/advice-and-support/gp-practices/bma-support-services-for-gp-practices/gp-employer-advisory-service>

## **BMA LAW**

This is an independent law firm established by the BMA. It provides the following services to BMA members, for which a fee is payable:

- Partnership agreement drafting service for general medical practices.
- Legal services, including practical and commercial advice on a wide range of issues such as:
  - commissioning;
  - setting GPs up in formal corporate structures together with all ancillary advice;
  - general commercial and corporate law;
  - employment law in relation to TUPE and corporate structures;
  - data protection;
  - freedom of information;
  - information technology (including website terms and conditions, supplier contracts etc);
  - internal governance matters related to the relevant business;
  - internal supply contracts and tenders (including review of ITT contracts, negotiation, drafting and advice on final tender contracts to completion and sign off);
  - bidding and tendering;
  - review of medical contracts and contracts for secondary care;
  - NHS Property Services leases;
  - commercial property;
  - wills, trusts and lasting powers of attorney;
  - practice mergers;
  - family law;
  - immigration.
- Seminars on a wide range of topics such as:
  - commissioning and The Health Bill;
  - organisational structures and commissioning;
  - directors' duties and company law reform;
  - employment law in relation to organisational structures and TUPE;
  - libel and its consequences;
  - negotiation, disputes and basic contract law;
  - competition law;
  - bidding, tendering and procurement;
  - commissioning consortia constitution.

Further information about BMA Law can be found at: <http://www.bmalaw.co.uk/>