



Premises update - May 2019

Rent review process

The rent review process applies to all practices who rent their premises, regardless of who their landlord is.

Practices have been reporting delays following applications for a rent review, including delays in visits and reports from District Valuers (DVs). We have escalated these issues to the relevant STPs and NHS England. We have been advised that as of May 2019, there is a shortage of DVs, which is adding to the backlog of visits and issuing of reports. Unfortunately, the Valuation Office is an independent government body, not a NHS body. We are continuing to pursue these issues on behalf of NHSPS tenant practices, if you need advice or support, please email gpsupport@lmc.org.uk.

NHS Property Services letter to tenants

This information is for practices in NHS Property Services (NHSPS) and Community Health Partnership (CHP) premises.

NHS England and NHS Improvement have published a letter for practices who are NHSPS tenants which states their support for regularising tenancy arrangements and explains their view on the benefits of a formal lease. They want practices to either sign up to a full lease or to a rental agreement letter, which they see as an interim measure, while they continue work on agreeing facilities management, other services and ultimately lease terms. Where they feel that practices are failing to engage, they may seek legal recourse. The GPC are continuing to negotiate with the aim of agreeing a national settlement.

The agreements need to be reached after discussion, including any commitments from previous commissioners, and must be affordable. The lease regularisation programme needs to be backed up by NHS England's previous offer of reimbursement of some legal costs and Stamp Duty Land Tax.

Practices should not be forced into any agreement which places their viability at risk and solutions must be sustainable. Professional advice should be sought from an appropriately qualified legal adviser with healthcare/general practice knowledge and experience before you sign anything. You may also wish to contact gpsupport@lmc.org.uk.

The below information is re-iterated from our previous premises updates, but the advice remains current.

LMC support with premises Issues

NHS England/CCGs have a duty to consult with the LMC over issues that impact General Practice, including premises/estates issues. We have set up a GP Premises Liaison Group with Surrey & Sussex LMCs and Barking & Havering LMCs to meet regularly with NHS England London Region, CHP and NHSPS to discuss strategic, policy and operational issues. We are aware that there are ongoing issues where practices need individual support and we have agreed with NHS England London/CCGs, CHP and NHSPS that they should encourage you to contact GP support for confidential assistance and advice before further action is taken, including legal action. They may also confidentially highlight to GP support out of meetings where a practice may need urgent individual assistance; this may result in you receiving a call from one of our GP Support team. Please contact us if you have any concerns regarding this. We are aware that practices are under significant stress and would like to reassure you that our GP support team is here to assist.

Occupancy Agreement Letters

We are aware that NHSPS are sending practices Occupancy Agreement Letters and Occupancy Change Notices for completion and return. Please note these have not been agreed with the GPC or LMCs. These documents should be treated with extreme caution, and professional advice sought from an appropriately qualified legal adviser with healthcare/general Practice knowledge and experience before you sign anything. You are under no obligation to sign the agreement if you do not agree to its terms.

London policy for financial assistance with service charges and premises running costs

NHS England London region and London CCGs have developed a policy with London LMCs for accessing financial support for service charges and premises running costs. Please contact GP support on gpsupport@lmc.org.uk for more information. Please note, there is a gateway with eligibility criteria including: full disclosure of income and expenditure on an open book and annual basis, and production of an action plan to demonstrate how you will optimise your income and reduce expenditure over the next 12 months.

Transitional funding

Such arrangements should only be entered into where you are entirely satisfied that when the transitional period ends you are not inadvertently left having to meet increased costs without the benefit of increased funding. In the view of the BMA and LLMCs, transitional arrangements should be avoided. More permanent solutions which align a practice's funding to their costs are needed.

Service charges

Practices should only make payments to the extent that they are both satisfied as to the legal basis upon which they are payable and their accuracy, and set aside/accrue funds while you resolve your concerns. We are aware that this issue is causing practices significant stress. You can access support through our GP support team: gpsupport@lmc.org.uk. If NHSPS take action to enforce charges against you please contact them immediately; you may also wish to contact the GPC on gpcpremises@bma.org.uk.