



## Closure of a Branch Surgery - Notification

Department Title

NHS England (NHSE) will consult the LMC when a doctor applies to close a branch surgery. However, as there is no requirement in current regulations or directions and therefore NHSE may choose not consult the LMC.

Neither is there any need to apply for permission - only a reference to what has to be provided at a branch surgery in order to gain some reimbursement of expenses. NHSE does, however, take the view that there is a need to follow a closure procedure where a closure might produce a significant change in the provision of services.

Despite this lack of any requirement to consult, the old order of discussion, co-operation and pragmatism still produces a better outcome. The LMC will foster this approach with NHSE. Para 1 of Schedule 3 of the GMS Regulations 2015 and the Premises Costs Directions are not helpful.

The procedure for closure of a branch surgery is simply dealt with under the provisions in the new contract for variation of the terms of the contract, as the contract includes references to the premises from which the services are provided. Thus it is necessary for the contractor to notify an intention to vary the terms of the contract. This is not the same as seeking permission.

Where closure is contemplated, the NHSE has an obligation to consult under Section 11 of the Health & Social Care Act 2001; the extent of the consultation is up to NHSE to determine, but as a rule they should consult the patient fora and the LMC and any affected patients. Practices should have informal discussions with neighbouring practices and their PPG

For "substantial" proposed changes, NHSE would also have to consult the Health & Wellbeing Board and/or the Overview & Scrutiny Committee of the local authority, but this would not be necessary for a small branch surgery closure.

There is nothing in the contract specifically about branch surgery funding as distinct from the global sum and other sources of funding although there may well be notional rent reimbursement which would, of course, cease following closure. There is a whole-hearted need for discussion, co-operation and pragmatism over branch surgery closures. NHSE may generally support closure of branches, but it has to follow a proper and transparent process before reaching a decision. If the eventual decision is not acceptable to a contractor, they can have recourse to the dispute resolution procedure. This is another reason why due process has to be followed.

The LMC has had a general policy of supporting the closure of branch surgeries where physical conditions are inadequate for proper patient care or where the premises would not normally comply with Infection Control limitations. The LMC also recognises the fixed and disproportionate costs of maintaining a service in a branch surgery and also the improved communications and transport now available to patients. Such premises are often in front rooms of a house or village halls. The LMC would normally support closure.

Where the branch surgery serves a substantial population and the buildings are purpose built the LMC would wish to see pressing reasons why the branch should be closed. Acceptable reason may include change in demographics, geography transport and communications arrangements.

When notifying the practice intention of closing a branch surgery it is good sense to set out the business case to support the notification.

Should NHSE decline to support a variation of contract the practice would be able to appeal.

*EXTRACT from the GMS Regulations 2015 Schedule 3 Part 1*

**PROVISION OF SERVICES**

**Premises**

**1.—(1)** The contractor must ensure that the premises used for the provision of services under the contract are—

(a) suitable for the delivery of those services; and

(b) sufficient to meet the reasonable needs of the contractor's patients.

(2) The requirement in sub-paragraph (1) is subject to any plan included in the contract in accordance with regulation 20(5) which sets out steps to be taken by the contractor to bring the premises up to the required standard.



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