

WELSH HEALTH CIRCULAR



Llywodraeth Cymru
Welsh Government

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Title: NHS Pay Bonus for Primary Care

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For Action by:

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All Health Boards, to cascade to all
Primary Care providers

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Enclosure(s): Guidance, Frequently Asked Questions, Privacy Note and Locum
Worker Application Form

1. The Minister for Health and Social Services issued a written statement on 17 March 2021 for financial recognition for NHS and Social Care workers. The written statement can be found at: <https://gov.wales/written-statement-financial-recognition-nhs-and-social-care-workers>
2. Broadly speaking, primary care staff (including locums) that provided primary care services for the purposes of the national health services in Wales during the period 17 March 2020 to 28 February 2021 and meet the eligibility criteria in The Primary Care (NHS Covid-19 Bonus Payment Scheme) Directions 2021 (the “Directions”) are, subject to the terms of those Directions, included in the NHS Covid-19 bonus payment scheme to reflect their fundamental role during the coronavirus pandemic.
3. The NHS Covid-19 bonus payment scheme (the “Scheme”), as it applies to those who provide primary care services as part of the national health service in Wales, is set out in the Directions. This Circular merely summarises some aspects of the Directions and this Circular should be read alongside the Directions. To the extent that there is any difference between this Circular and the Directions, the Directions will apply.
4. This Circular and the Directions outline timescales for the receipt of applications and the processing of payments but all recipients of payments should note that, to avoid delays in those payments, the final checks on whether an application is eligible may be undertaken after payment has been made, with any overpayments relating to ineligible applications then being recovered as outlined in the Directions.
5. Guidance for primary care providers and locums, frequently asked questions, privacy note and application forms follow below.

Guidance for Primary Care Providers

The summaries below outline, for providers of NHS medical, dental, ophthalmic or pharmaceutical primary care services directly commissioned by Local Health Boards in Wales (primary care providers), how the Scheme may operate for their staff whose primary role was to support the provision of those services, and for locums that directly provided those services.

Eligible Locum workers are entitled to apply for the £735 bonus payment via a primary care provider if they were engaged in the provision of NHS Wales primary care services for at least 8 four-hour sessions between 17 March 2020 and 28 February 2021 (“the eligible period”) and satisfy the other eligibility criteria.

Local Health Boards are also to make a one off non-consolidated, non-pensionable payment to a primary care provider for all eligible staff members for whom that primary care provider makes an application for the bonus payment, subject to the eligible staff member having completed at least four weeks’ continuous service for that primary care provider in the eligible period and satisfying other eligibility criteria. The payment for eligible staff members will be £837 (£735 plus a contribution towards additional employer national insurance contributions associated with the payment).

Where during the eligible period the primary care provider was an individual, or a partnership that included at least one individual, they may also be able to make an application for themselves or each such individual (respectively).

The payment will be conditional upon the primary care provider complying with all requirements under the Directions including a condition that the primary care provider will pay such sums to those relevant eligible individuals, subject to any HMRC deductions and, whilst the intention is that this payment is non-pensionable, where that is not possible under the contractor’s terms and conditions for an eligible staff member , the primary care provider may also deduct any employer and employee pensions’ contributions associated with the payment.

Primary care providers will need to submit a single electronic application form which includes the individual applications on behalf of themselves (where the primary care provider is an individual or a partnership consisting of at least one individual), all eligible staff members and those eligible locums who have submitted a Locum Worker application form to them within the period beginning with 11 June 2021 and ending with 30 September 2021.

Should primary care providers wish to receive payments by 14th September 2021 however, they will need to submit the electronic application form no later than 30 June 2021.

NHS Wales Shared Service Partnership will process all eligible applications and payment will be made to primary care providers directly. Providers are then required to pass this payment (subject to any permitted deductions, as above) onto those eligible individuals on behalf of whom they made the application.

These payments to the eligible individuals must not be paid as a substitute for any other payments to which those individuals would otherwise have received.

The payments will not be pro-rated where the recipient works on a part-time basis provided the eligibility criteria are met.

The deadline for submission of applications from primary care providers is 30 September 2021.

Any individual is only entitled to receive one single NHS Covid-19 bonus payment. For those individuals who may be eligible for a payment from more than one primary care provider, the payment will only be paid to the primary care provider for whom the eligible staff member was employed or engaged for the longest period of time.

If during the eligible period, an individual was employed by an NHS Trust or Local Health Board, or worked in adult or children's social care in Wales, the NHS Covid-19 bonus payment will be paid by the relevant organisation and that individual is not entitled to apply for a payment under the Scheme.

Eligibility

Although primary care providers should refer to the Directions for the full eligibility criteria and related requirements, in summary, providers of NHS Wales primary care services¹ during the eligible period are likely to be able to submit applications for their staff members and locums if they fall within one of the following categories and are not in one of the excluded categories:

- Health care professionals employed or engaged directly by the primary care provider and whose primary role was to directly provide NHS medical, dental, pharmaceutical or ophthalmic primary care services as part of the national health service in Wales to the primary care provider's NHS patients for at least 4 consecutive weeks during the eligible period (working the hours or days during those 4 weeks as required by their contract of employment or contract for services).
- Employees of the primary care provider whose primary role was to directly support the delivery of NHS medical, dental, pharmaceutical or ophthalmic primary care services to the primary care provider's NHS patients as part of the national health service in Wales, at the location at which those NHS patients received those NHS services, for at least 4 consecutive weeks during the eligible period (working the hours or days during those 4 weeks as required by their contract of employment).
- Those employees of the primary care provider who would have fallen within either of the above two categories but for them being on Covid-19 special leave, shielding [due to Covid-19], on sick leave, maternity, paternity, shared parental or adoption leave, or special leave during the eligible period.

¹ Pursuant to sections 41(2)(b), 42, 57, 64, 71 and 80 of the NHS (Wales) Act 2006

- Healthcare professionals engaged by a primary care provider as locums to provide NHS medical, dental, pharmaceutical or ophthalmic primary care services to the primary care provider's NHS patients at a location in Wales (the locum must have satisfied this with one or more primary care providers for at least 8 four-hour sessions during the eligible period).
- References above to primary care providers and ophthalmic services include providers who hold or are party to an Eye Health Examination Wales arrangement or Low Vision Wales arrangement with a Local Health Board.

Individuals are not eligible for the bonus payment if, during the eligible period, they only satisfied the eligibility requirements by being:

- agency staff (including those engaged under a Direct Engagement model), except eligible locums;
- a chairperson, non-executive or independent board member;
- engaged under an arrangement falling within the HMRC rules on off-payroll working (IR35);
- a worker paid on a "fee" basis, except eligible locums;
- a clinical student on an unpaid placement;
- [on a career break;]
- in a role from which they have subsequently been dismissed except for reason of redundancy, ill-health or (in the case of fixed term contracts) expiry of that fixed term;
- in a role for which they are paid through a personal services company; or
- an employee of, or a worker engaged by, a subcontractor, of any level, of a primary care provider.

Guidance for Locum Workers

If, during the eligible period, a healthcare professional was engaged as a locum worker, to be eligible for this payment, they will (among other requirements) need to confirm, and if requested evidence, that they undertook at least 8 four-hour sessions of locum work as part of the national health service in Wales for one or more primary care providers at locations in Wales during the eligible period.

The Locum Worker Application Form for use by locum workers is available at Annex D. It is important to note that if the locum wishes to apply for the bonus payment as an eligible locum, it is their responsibility to complete the Locum Worker Application Form and submit it to the practice for whom they have completed the majority of the 8 qualifying sessions of work requesting that they include them as part of their application.

The locum will need to sign the declaration and, among other things, confirm that they have undertaken the 8 sessions during the eligible period. The deadline for locums to complete the Locum Worker Application Form and submit it to the appropriate primary care provider for whom they have undertaken the most shifts is no later than 11 June 2021 (14 days beginning with the date of this Welsh Health Circular). Only one

application should be made by each locum worker as they are only entitled to one bonus payment per person.

If an application made on behalf of a locum is approved, £735 will be paid to the primary care provider who completed and submitted the electronic application form. The primary care provider must then, subject to any HMRC deductions, arrange an onward payment to the locum worker. It is the locum's responsibility to pay to HMRC any National Insurance and/or Tax liability associated with that payment.

If the locum works solely as a locum in a LHB-managed practice or works as a locum both for a LHB-managed practice and a GMS provider, they will not need to apply for this payment or ask the GMS provider to apply on their behalf as the locum will automatically receive a payment via NHS payroll, provided they have met the requirements relating to locum activity.

Cross Border Provision

Providing they meet the eligibility criteria and related conditions, a primary care provider with a contract or an arrangement to provide NHS Wales primary care services pursuant to section 41(2)(b), 42, 57, 64, 71 or 80 of the NHS (Wales) Act 2006 may still be entitled to submit an application for its eligible staff members even if their practice is located outside Wales.

Post Payment Verification

This claim will be subject to Post Payment Verification checks for accuracy, removal of duplicate claims and legitimacy. There may be a recovery of claims if they have not met the eligibility criteria set out in the directions. You may be asked to produce evidence of criteria eligibility for members of the practice, such as payroll information, so please retain anything that would support the claim that can be shared when requested

NHS Wales Shared Services Partnership will undertake initial post payment verification to eliminate double payments and guard against any potential fraudulent applications.

Data Cymru are being engaged in this process to ensure accuracy for all involved in this scheme. Data Cymru's role as the data processor will be to cross reference data from all areas NHS Wales involved in the NHS Covid-19 bonus payment scheme (i.e. those working directly for the NHS, primary care providers and social care).

Disputes

Any disputes in relation to applications made for the bonus payment may be raised in accordance with the dispute mechanism set out in the Directions. Genuine attempts at local resolution must be made by the parties prior to any dispute being referred to Welsh Ministers.

Enquiries

Primary care providers, employees and locum workers should direct all enquires in relation to the NHS Covid-19 bonus payment to NHS Wales Shared Services Partnership using the following email address;

Nwssp-primarycareservices@wales.nhs.uk

Annex A – Frequently Asked Questions

Frequently Asked Questions have been published specifically for Primary Care providers and their teams, and can be found here;

<https://gov.wales/nhs-and-social-care-financial-recognition-scheme-guidance-primary-care-workers>

Annex B - Information to share with your employees

This payment is classified as earnings, and so will be subject to income tax and national insurance and deductions will in many cases be applied to your payment by the primary care provider. Further information on income tax and national insurance rates can be found at:

Income Tax <https://www.gov.uk/income-tax-rates>

National insurance <https://www.gov.uk/national-insurance-rates-letters>

As the payment is classified as earnings it will be included in the calculations used to determine any benefits you receive. This includes both universal credit and tax credits as well as other benefits such as housing benefit or income support.

More information on benefits can be found at:

<https://www.gov.uk/browse/benefits/entitlement>

If the eligible staff member or locum is in receipt of benefits we strongly advise them to contact the Department for Work and Pensions (or contact their work coach if they receive universal credit) to properly understand the implications receiving the bonus payment will have.

There may be an option to receive the payment in instalments, but this will need to be agreed directly between the recipient and the primary care provider.

The payment will also be included in the calculation used to determine the repayment of any outstanding student loans.

More information on student loan repayment can be found at:

<https://www.gov.uk/repaying-your-student-loan>

Annex C - Privacy Notice

Privacy Notice for the Primary Care Contractor Covid-19 Bonus Payment:

<https://nwssp.nhs.wales/ourservices/primary-care-services/primary-care-services-documents/gdpr/PrivacyNoticeCovidBonus/>



Annex D – Locum Worker Application Form

NHS Covid-19 Bonus Payment Scheme for Primary Care

To apply for the bonus payment, you must meet the eligibility criteria in the Directions and must complete this form and submit it to the primary care provider for whom you undertook the majority of the 8 qualifying sessions during the eligible period.

The primary care provider who you wish to make an application on your behalf must receive a completed application form from you no later than 11 June 2021. The primary care provider will then add your details to their application form in order to make an application on your behalf and, if approved, receive the payment owed to you.

For approved applications, a payment of £735 will be made to the primary care provider who made the application on your behalf. The primary care provider must then make arrangements with you for the onward payment of the £735 to you, subject to any HMRC deductions.

N.B. It will be your responsibility to ensure that HMRC receives any National Insurance and/or Tax liability associated with the NHS Covid-19 bonus payment. [NEED TO CHECK LATEST IR35 RULES]

Locum workers who work in a Local Health Board-managed practice, or are directly employed through the NHS will not need to apply to a primary care provider for the NHS Covid-19 bonus payment. The bonus payment will be automatically processed via NHS payroll where the locum is eligible.

If you are unsure about your eligibility, please contact NHS Wales Shared Service Partnership - Nwssp-primarycareservices@wales.nhs.uk

Declaration

I declare to the best of my knowledge and belief that the information provided in this form is accurate and that I meet the eligibility criteria of the NHS Covid-19 Bonus Payment Scheme as an eligible locum under *The Primary Care (NHS Covid-19 Bonus Payment Scheme) Directions 2021*.

I confirm that I wish to make an application for the NHS Covid-19 bonus payment and that I authorise the primary care provider named below to use the information contained in this form to make such application on my behalf.

I understand and accept that if I withhold information or provide false or misleading information, action may be taken against me and I may be liable to criminal prosecution and/or civil proceedings, and I may have to repay any amount paid to me.

I consent to the disclosure of relevant information for the purpose of verification of my application in relation to the prevention and detection of fraud. An audit trail is available for inspection, either at the premises of the primary care provider making the application or on request, by a Local Health Board's authorised officers, NHS Wales Counter Fraud Services and/or appointed auditors.

Name	
Professional Registration Number	
Address	
Email/Contact Number	
National Insurance Number	
Signature	
Date	

Please provide the name and address of the primary care provider to whom this Locum Worker application form is submitted and who is authorised to make an application on your behalf.

Name:-

Address:-

Annex E – Primary Care Provider Application Form

If a primary care provider wishes to apply for the NHS Covid-19 bonus payment for itself (where it is an individual or a partnership consisting of at least one individual), or on behalf of its eligible staff members or eligible locums (as each are defined in *The Primary Care (NHS Covid-19 Bonus Payment Scheme) Directions 2021*), you must complete an electronic application form (link below).

You will need to provide the names and National insurance Numbers for each eligible individual included in the application form.

Between 28 May 2021 and 11 June 2021, locum workers have the opportunity to complete their application form and may submit this form to you requesting that they be included as part of your application.

You will need to submit your completed application form within the period beginning with 12 June 2021 and ending with 30 September 2021.

However, if you wish to receive the payment before 14 September 2021, you will need to submit your electronic application no later than 30 June 2021.

NHS Wales Shared Service Partnership will process all eligible applications and payment will be made to you directly based on the number of approved applications. You are then required to pass the appropriate sum (subject to any permitted deductions, as above) onto those persons on behalf of whom you made the application.

<https://forms.office.com/r/8RJxCJPtWP>