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General Practice Pay Transparency: guidance

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Purpose of this guidance

The Government has amended the NHS (General Medical Services Contracts) Regulations 2015¹ (the 'GMS Regulations') and the NHS (Personal Medical Services Agreements) Regulations 2015² (the 'PMS Regulations') from 1 October 2021 to require a contract with an individual medical practitioner or a partnership to contain a term requiring the contractor to make a self-declaration to NHS Digital if their NHS earnings exceed the threshold for the relevant year (as well as a term requiring this self-declaration requirement to flow down into any clinical subcontracts). These changes will also be reflected in an amendment to the APMS Directions 2020.³

The intention to increase pay transparency in general practice as a corollary of major investment into the GP Contract, and to safeguard public trust in the GP partnership model was published in *Investment and Evolution: A five-year framework for GP contract reform to implement The NHS Long Term Plan*.⁴ Further details were subsequently published in *Update to the GP contract agreement 2020/21-2023/24*.⁵

Individuals required to self-declare their NHS earnings

The following individuals will be required to make a self-declaration on an annual basis if their NHS earnings exceed the threshold for the relevant year. This requirement will begin for 2019-20 NHS earnings and individuals who have NHS earnings of over £150,000 in 2019-20 will be required to self-declare.

A contractor who is an individual medical practitioner or each member in a partnership

This contractual change requires a contractor who is an individual medical practitioner, or each member of a contractor who is a partnership holding a GMS contract, to make a self-declaration if they exceed the threshold for that year for each financial year they are a contractor. Where contractors hold a PMS Agreement, all named parties to the contract are subject to the obligation if they

¹ <https://www.legislation.gov.uk/uksi/2015/1862/contents>

² <https://www.legislation.gov.uk/uksi/2015/1879/contents>

³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/923596/The-Alternative-Provider-Medical-Services-Directions-2020-1-Oct-2020.pdf

⁴ <https://www.england.nhs.uk/publication/gp-contract-five-year-framework/>

⁵ <https://www.england.nhs.uk/publication/investment-and-evolution-update-to-the-gp-contract-agreement-20-21-23-24/>

exceed the threshold for that year for each financial year they are a contractor. The contractual change also requires a contractor who is an individual, or each member of a contractor who is a partnership holding an APMS contract, to make a self-declaration if they exceed the threshold for that year for each financial year they are a contractor.

A clinical sub-contractor who is an individual or each member in a partnership

Any new sub-contracts for clinical services entered into by the contractor must require a sub-contractor who is an individual, or each member of a sub-contractor who is a partnership, to make a self-declaration if they exceed the threshold for that year for each financial year they are a sub-contractor.

In cases where the sub-contractor enters into a new sub-contract of any of the clinical services it has agreed with the contractor to provide under the sub-contract⁶, it must require the sub-contractor (whether the onward sub-contract is with an individual or each member of a sub-contractor who is a partnership) to make a self-declaration if their individual NHS earnings exceed the relevant threshold for that year.

The requirement for contractors to ensure that any relevant sub-contract includes the pay transparency self-declaration requirement applies to both existing and future sub-contracting arrangements. Contractors are required to use reasonable endeavours to ensure that any existing relevant sub-contracts are amended to reflect the new contractual requirement.

Sub-contractors are not required to comply with the pay transparency self-declaration requirement for any relevant financial year which either ends before the individual enters in to the sub-contract (with the contractor or sub-contractor) or begins after the individual's sub-contract (with the contractor or sub-contractor) has terminated.

For the purposes of the general practice pay transparency, "sub-contractor" means a person to whom any rights or duties under the contract in relation to clinical

⁶ where permitted by paragraph [44\(9A\) of Schedule 3 of The National Health Service \(General Medical Services Contracts\) Regulations 2015](#), and by paragraph [43\(4A\) of Schedule 2 of The National Health Service \(Personal Medical Services Agreements\) Regulations 2015](#).

matters are, or have been, sub-contracted.⁷ This includes an individual who is a locum practitioner and who is engaged under a contract for services by the contractor to deputise or temporarily assist in the provision of services. This does not include locums who are not in a direct contract with the contractor or sub-contractor (i.e. locums engaged via a third party).

The information to be declared

Individuals who are in scope are required to confirm their name and job title and to declare the following information:

- their NHS earnings for the relevant year (see definition of earnings section)
- the organisation(s) from which the NHS earnings were drawn.

Individuals may have drawn earnings from more than one contract or sub-contract and are required to list all the organisations from which they have drawn NHS earnings from for the relevant year.

The definition of NHS earnings for the purposes of general practice pay transparency

In order to help reduce the burden for individuals who are required to make the pay transparency self-declaration, the definition of NHS earnings for the purposes of general practice pay transparency mirrors the definition of practitioner income in Schedule 10 to The National Health Service Pension Scheme Regulations 2015⁸ plus any income from any NHS salaried position which they hold. Individuals should refer to the [full definition of practitioner income](#) described in Schedule 10 in conjunction with this guidance.

For the following groups of individuals, the definition of NHS earnings which will apply are described below.

⁷ Under [paragraph 44\(1\) of Schedule 3 of the GMS Regulations](#) or [paragraph 43\(1\) of Schedule 2 of the PMS Regulations](#)

⁸ <https://www.legislation.gov.uk/ukSI/2015/94/contents>

Individuals who are active members of the NHS Pension Scheme and either a medical practitioner or non-GP provider

For individuals who are active members of the NHS Pension Scheme and who are either a medical practitioner (other than locum practitioner) or non-GP provider, the definition of NHS earnings is income (including any form of remuneration and any salary, wages, fees, director's remuneration or dividends) which is practitioner income as determined under Schedule 10 to the NHS Pension Scheme Regulations (minus paragraphs 3 and 7 which relate to dental practitioner income and locum practitioner income respectively). The exclusion in Schedule 10 of salaried income from other NHS bodies or providers is also ignored for these purposes and must be included in the self-declaration.

For the purpose of general practice pay transparency, all NHS earnings as defined by Schedule 10 count towards the calculation (eg the HMRC pensionable earnings cap would not apply). General practice pay transparency uses the definition of practitioner income in Schedule 10 to the NHS Pension Scheme Regulations but this does not mean only pensionable income should be declared.

Locum practitioners who are members of the NHS Pension Scheme

The definition of NHS earnings for a locum practitioner (as defined in the 'Individuals required to self-declare their NHS earnings' section) is:

- as determined under paragraph 7 of Schedule 10 to the NHS Pension Scheme Regulations 2015 in respect of the financial year in question, and
- any earnings (including any form of remuneration and salary, wages, fees, director's remuneration or dividends) which would be treated as practitioner income under Schedule 10 to the NHS Pension Scheme Regulations (minus paragraph 3 which relates to dental practitioner income and omitting the locum income already included).

Any other individual who is required to make the pay transparency self-declaration

The definition of NHS earnings for these individuals is income (including any form of remuneration and any salary, wages, fees, director's remuneration or dividends) received in the financial year in question from any organisation which would have been treated as practitioner income under Schedule 10 to the NHS Pension Scheme Regulations (minus paragraphs 3 and 7 which relate to dental practitioner income and locum practitioner income respectively).

This definition of practitioner income applies as if these individuals were active members of the NHS Pension Scheme and a medical practitioner or non-GP provider.

Aggregating income from any NHS salaried position

All individuals making the pay transparency self-declaration will be required to aggregate income from any NHS salaried position which they hold into their calculation of NHS earnings for the purposes of general practice pay transparency.

When the pay transparency self-declaration must be made

The general practice pay transparency self-declaration for 2019-20 NHS earnings must be made by 23.59 on **12 November 2021**.

For subsequent years NHS earnings (2020/21 financial year onwards), self-declarations will need to be made by the 30 April in the financial year beginning immediately after end of the next financial year. For example, the pay transparency self-declaration for NHS earnings in the financial year 2020/21 (ending 31 March 2021) will need to be made by 30 April 2022.

How individuals make the pay transparency self-declaration

The general practice pay transparency self-declaration will be made by individuals on NHS Digital's Forms Platform via the NHS Digital Strategic Data Collection Service (SDCS).⁹ Individuals will first need to register with the SDCS and then create an account to make their self-declaration on the Forms Platform.

Getting started

The Data Collections Service at NHS Digital will be responsible for registering new users and granting access to the general practice pay transparency data collection. Logging in and accessing the online declaration form will be done via the SDCS.

<https://datacollection.sdcs.digital.nhs.uk/>

Those individuals who are contractually required to register for the self-declaration will need to contact generalpractice.datacollections@nhs.net with the following information to request a log in account for SDCS:

- Name of the collection the individual requires access to i.e. the General Practice Pay Transparency data collection
- Full name
- The email address to register the account to. *Please note that this must be a personal, professional email address (eg jane.example@nhs.net / paul.example@organisation.gov.uk). Generic, team, shared or personal private email addresses (eg example@hotmail.com) are not accepted.*
- The Organisational Data Service (ODS) code – also known as an organisational code - of the organisation from which the individual drew the greatest proportion of NHS earnings for the relevant year in which they exceeded the threshold. If NHS earnings are equally split between organisations, then individuals are able to choose which organisation to register on the SDCS with.
 - ODS codes can be found at the [ODS Portal](#). Individuals who are unable to find a code for the organisation from which they drew the greatest proportion of their NHS earnings should contact exeter.helpdesk@nhs.net to check whether a code exists.
 - If a code does not exist then individuals should register their organisation as ‘NHS Digital - X26’ code. During the self-declaration process (see below), individuals will then have the opportunity to list the organisation from which they drew the greatest proportion of NHS earnings for the relevant year plus the names of any other organisations from which they drew NHS earnings.

Once an account has been created, individuals will receive an automatic email from SDCS confirming the collection they have been registered for. The email will also include a link to SDCS.

Registering your Single Sign on (SSO) Account

To access SDCS and make the general practice pay transparency self-declaration via the Forms Platform, individuals must have a valid Single Sign on (SSO)

account. The [NHS Digital website](#) contains information on how to create an account, log in to the SDCS and reset passwords.

Accessing the General Practice Pay Transparency Online Form and making the self-declaration

Once an account is created individuals can log in to SDCS system. Individuals will need to select 'Submissions' > 'New', which will take them to the page below.



The screenshot shows the 'Create Data Collection Submission' page in the NHS Digital Data Collection system. At the top left is the NHS Digital logo. The page title is 'NHS Digital Data Collection'. In the top right corner, there is a 'Hello' greeting, a 'My Account' button with a dropdown arrow, and a 'Sign out' button with a dropdown arrow. Below the header, there is a navigation bar with 'Home' and 'Submissions' (with a dropdown arrow). The main content area has a title 'Create Data Collection Submission' and two links: 'View SDCS Guidance' and 'View Collection Guidance'. Below this, there is a 'Collection' dropdown menu currently set to 'EDEC' and a 'Download Proforma' button. At the bottom of the form area is a 'Create' button with a dropdown arrow.

Individuals will need to select 'General Practice Pay Transparency' from the dropdown then click 'Create'. This will take individuals to the 'Personal Details' page. The name of the organisation added during the registration process (from which the individual drew the greatest proportion of their NHS earnings for the relevant year) will be included on the page and individuals will be asked to submit the information described in 'the information to be declared' section of this guidance.

Individuals will then be taken to the 'Other organisations you have taken NHS earnings from' page. Individuals should indicate whether they have taken NHS earnings from any other organisations in the relevant financial year other than from the organisation which they added when registering for the SDCS.

For individuals that answer 'yes' – they will have the opportunity to indicate how many other organisations they have taken NHS earnings from and to list the names of the organisations.

Individuals who registered their organisation as 'NHS Digital-X26' when registering for the Strategic Data Collection Service (SDCS), should answer 'Yes' and indicate the number of organisations they have taken NHS earnings from in the relevant year including the organisation from which they drew the greatest proportion of NHS earnings. Individuals should then add first in the free text box the name of the organisation from which they drew the greatest proportion of NHS earnings for the

relevant year and then the names of any other organisations from which they have drawn NHS earnings for the relevant year

Individuals click 'save and continue'.

Individuals will then be taken to the 'Check your answers before sending' page. Individuals will have the opportunity to make any changes to their self-declaration before submitting.

Individuals will then be provided with a submission reference and will be able to log out of SDCS.

How the information collected via the self-declaration will be used

The information self-declared will be published in a national publication by NHS Digital on an annual basis. The following information will be published for each individual making the self-declaration for 2019-20 NHS earnings:

- name
- job title
- their NHS earnings in £5,000 earnings bands
- the name of the organisation from which they drew the greatest proportion of their NHS earnings plus the number of other organisations from which NHS earnings were drawn from in the relevant year.

The information relating to 2019-20 NHS earnings will be published in 2021. Information on subsequent years NHS earnings will then be published annually each summer.