



## Position Statement: Important notice for practices in NHS PS premises 27 April 2017

Derby and Derbyshire LMC fully endorse the below guidance from the GPC regarding issues for practices occupying NHSPS properties. We will continue to monitor the national situation and represent practice interests through the local Premises Working Group.

Dear practice,

We are aware that NHS England (NHSE) and NHS Property Service (NHSPS) have sent out a joint communication to tenant practices whereby NHSE have indicated that they will temporarily reimburse increased rental costs that NHSPS are seeking to charge despite the fact that a formal assessment has not yet been carried out by the District Valuer (or such other valuer acting on behalf of NHSE).

GPC have serious concerns about this proposal given that NHSE and NHSPS are two separate legal bodies. As such the relationship between a practice and NHSE, as the commissioner/ funder, and the relationship between a practice and NHSPS, as the landlord, should be considered as being separate from one another.

With this in mind, all practices occupying NHSPS premises should be careful to avoid agreeing to any temporary measure put forward by NHSE unless NHSPS have provided categorical written confirmation that their ability to charge such increased sums, and indeed the obligation on practices' to meet such increased rental costs, is conditional on the practice receiving funding to cover the same.

Furthermore NHSPS should formally recognise and acknowledge that if a practice makes such payments it is without prejudice to the practices' position and is not in any way to be taken as an acceptance of the increased rents indefinitely.

Ultimately temporary measures should be avoided. As such GPC have been meeting with NHS PS to seek permanent solutions to the ongoing issues facing their GP tenants. Crucially this includes issues surrounding service charges. We are looking to reach a negotiated resolution so that a fair, consistent and reasonable process for calculating charges will be implemented, that has due regard to historical arrangements, doesn't expose practices' to unreasonable levels of un-reimbursable costs and offers value for practices and the health service.

We hope to provide further information on this in May.

In the meantime, if a practice is considering agreeing to a temporary arrangement concerning reimbursements and charges they must ensure that once the temporary measure ends in respect of reimbursements, that they do not inadvertently find themselves continuing to be liable for the increased cost. **To this regard we strongly advise practices to seek advice before agreeing any temporary measures.**

Best wishes,  
Ian Hume  
GPC premises lead

**David Gibbs**  
**Head of Business Support**  
**Derby and Derbyshire Local Medical Committee**

For further information, or to arrange an interview, please contact:  
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