
GOS Contract in England: Comments on Contract Compliance Framework

The optical negotiating bodies have been negotiating with NHS Primary Care Contracting (PCC) about its model GOS Contract Compliance Framework document. The document has now been published on the PCC website (for those PCTs which subscribed to NHS PCC). If you would like a copy of the Framework please contact us.

The framework comprises four elements:

- an introduction
- a form to be completed by the PCT at the time of a practice visit
- standard post payment verification (PPV) protocol and guidance (previously published separately by NHS Counter Fraud and Security Management [CFSMS])
- a post-visit questionnaire for contractors.

The published version is a significant improvement on earlier drafts, although still rather detailed. However it now:

- focuses only on contractual requirements
- there are no pre-visit questionnaires to be filled in by practices/businesses
- recommends visits should normally only be once every three years
- makes clear that clinical governance is not a contractual requirement (whilst recognising that there are some elements of contract compliance which would, in other circumstances, be considered elements of clinical governance)
- does not give PCTs the right to impose wider clinical governance requirements or reporting
- recommends that PCTs should invite practices to complete Levels 1 and 2 of Quality in Optometry and agree reasonable fees with the LOC for doing this
- recommends that the PCT should consult LOCs about implementing the compliance framework locally (although LOCs do not have a right of veto)
- makes clear that visits should be helpful and supportive and that this is likely to generate a positive response from practices
- includes in grey information PCTs might like to have but which is not mandatory
- includes a follow-up questionnaire for the practice for their parallel assessment of the PCT's visit.

Optical Bodies' Concerns

The optical negotiating bodies still have concerns about two issues:

- the proposal in Section 8.1 of the visit questionnaire that contractors should list the names, qualifications and other details of all staff assisting in the provision of GOS e.g. optical assistants
- the implication of the word "recommendations" in Section 15.7 (although this is not clear) that contractors should not only comply with the MHRA's Device Alerts and Safety Alert Broadcasts but should also report, i.e. comply with recommendations, that they have done so.

The optical negotiating bodies consider these requirements to be excessive. For instance, contractors will clearly comply with any warnings about medical devices and alerts – they have public protection, business and insurance incentives for doing so. However to report back that they have done so is an additional unfunded burden; and we have seen no evidence suggesting this should be required in respect of optical contractors. The optical bodies stand by their earlier advice on this, which is for practitioners to write to their PCTs in the following manner:

“Thank you for your e-mail/letter of [DATE]. On the advice of the optical representative bodies, we do not believe these returns are intended for optical contractors. However we confirm that we fully comply with the Medicines and Healthcare products Regulatory Agency (MHRA) requirements under both our GOS contract(s) and MHRA legislation. We hope this is helpful.”

Equally, while it is true that the provider of GOS is contractually obliged to satisfy himself as to the qualifications and competence of optical support staff, such staff often change jobs (especially in urban areas and large retailing outlets). As there is no requirement to inform PCTs about staff changes except in respect of GOS performers (i.e. optometrists and OMPs only), it is hard to see what the benefit the wholesale collection of personal data about support staff will bring, especially when they will only be valid at a three-yearly point in time.

Action

As the PCC’s Framework document is only a guide for PCTs and in no way mandatory, it is open to LOCs to agree variants of the framework in these and other areas. However, the national bodies advise strongly against this - and certainly against agreeing more onerous variants - without first seeking advice from LOCSU or the national representative bodies.

In the meantime, the national representative bodies believe the Contract Compliance Framework is now in line with contractual obligations (albeit in a rather bureaucratic and overly detailed way) and advise that it should now be agreed for implementation by LOCs locally.

For further information and advice please contact

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