

THE NATIONAL HEALTH SERVICE ACT 1977

THE STATEMENT OF FINANCIAL ENTITLEMENTS (AMENDMENT) DIRECTIONS 2005

The Secretary of State for Health, in exercise of the powers conferred upon her by section 28T of the National Health Service Act 1977^a, and of all other powers enabling her in that behalf, after consulting in accordance with section 28T(4) of that Act both with the bodies appearing to her to be representative of persons to whose remuneration these directions relate and with such other persons as she thinks appropriate, gives the directions set out in this instrument.

Citation, commencement and territorial application

1.-(1) These Directions may be cited as the Statement of Financial Entitlements (Amendment) Directions 2005.

(2) These Directions were signed on 8th June 2005 but shall have effect as from 1st April 2005.

(3) These Directions apply in relation to England only.

Amendments to the SFE

2.-(1) The directions given by the Secretary of State in the Statement of Financial Entitlements under section 28T of the National Health Service Act 1977, signed on 30th March 2005, are amended as follows.

(2) In the following provisions—

- (a) paragraph 3.11 (which relates to continuing obligations to pay Correction Factor Monthly Payments in certain cases of partnership mergers or splits);
- (b) twice in paragraph 5.8 (which relates to revision of Monthly Aspiration Payments);
- (c) paragraph 5.12 (which relates to the agreement of Aspiration Points Totals); and
- (d) twice in paragraph 5.14 (which relates to choosing the method of calculating Monthly Aspiration Payments),

for “his” substitute “its”.

^a 1977 c.49; section 28T was inserted by section 171 of, the Health and Social Care (Community Health and Standards) Act 2003 (c.43).

- (3) In paragraph 4.2(a) (which relates to types of payments in respect of the Quality and Outcomes Framework), before “Achievement Payment” insert “Unadjusted”.
- (4) In paragraph 4.30(b) (which relates to the Quality and Outcomes Framework access targets), for “practitioner; and” substitute “practitioner.”.
- (5) In paragraph 5.3 (which relates to the circumstances in which the 60% method may be used)–
- (a) after “contractor’s GMS” insert “contract”; and
 - (b) for “Monthly Achievement Payments” substitute “Monthly Aspiration Payments”.
- (6) In paragraph 5.4 (which relates to establishing Provisional Achievement Payments)–
- (a) for “Monthly Achievement Payments” substitute “Monthly Aspiration Payments”;
 - (b) after “method, the contractor’s” insert “Unadjusted”; and
 - (c) after “to be established” insert “(that is, the total established under paragraph 5.39 of the 2004/5 SFE or paragraph 6.7 of this SFE)”.
- (7) For paragraph 5.5 (which relates to adjusting Provisional Achievement Payments) substitute the following paragraph–
- “5.5 In practice, therefore, the amount of the contractor’s Provisional Achievement Payment will be a provisional value for the contractor’s Unadjusted Achievement Payment.”.
- (8) In paragraph 5.8 (which relates to Monthly Aspiration Payments which do not need adjusting), for “actual” substitute “Unadjusted”.
- (9) In paragraph 5.9 (which relates to Monthly Aspiration Payments which need to be adjusted downwards), for “actual Achievement Payment paid to” substitute “Unadjusted Achievement Payment calculated for”.
- (10) In paragraph 5.10 (which relates to Monthly Aspiration Payments which need to be adjusted upwards), for “actual Achievement Payment paid to” substitute “Unadjusted Achievement Payment calculated for”.
- (11) In paragraph 5.14 (which provides that, in any financial year, the method for calculating Monthly Aspiration Payments, once chosen, cannot be changed)–
- (a) for “contactor” substitute “contractor”; and

- (b) for “he”, at each place where it occurs, substitute “it”.
- (12) In the first paragraph numbered paragraph 5.17 (conditions attached to Monthly Aspiration Payments), in sub-paragraph (c) omit “anonymised,”.
- (13) Renumber second paragraph numbered 5.17 (which relates to breach of the conditions attached to Monthly Aspiration Payments) so that it is numbered 5.18.
- (14) In paragraph 6.1 (which relates to the basis of Achievement Payments), omit “Total”.
- (15) In paragraph 6.4 (which relates to revisions of Achievement Points totals), for “total that” substitute “totals that”.
- (16) Omit the second full stop at the end of paragraph 6.7 (which relates to adjusting Achievement Payments by the contractor’s Contractor Population Index).
- (17) In paragraph 6.12(a) (accounting arrangements and due date for Achievement Payments), for “Total” substitute “totals”.
- (18) In paragraph 8.2 (Childhood Immunisation Scheme plans), for “6(2)(a)” substitute “5(2)(a)”.
- (19) In paragraph 8.3(b) (target payments in respect of two-year-olds)–
- (a) for from “at least 70%” to “with the contractor” substitute “as regards the cohort of children, established on that day, who are registered with the contractor and who are aged two (i.e. who have passed their second birthday but not yet their third), by the end of that quarter at least 70%, for the lower payment, or at least 90%, for the higher payment,”; and
 - (b) renumber the paragraph numbered “(iii)” so that it is numbered “(ii)”.
- (20) In paragraph 8.4 (which relates to the determination of the cohort of children in respect of whom a Quarterly Two-Year-Olds Immunisation Payment is to be calculated)–
- (a) after “seeking payment” insert “(this is the cohort of children in respect of whom the calculation is to be made)”; and
 - (b) for “completed immunisations”, at both places where it occurs, substitute “completed immunisation courses”.
- (21) In paragraph 8.5 (which relates to the determination of the number of completed immunisation courses to count towards Quarterly Two-Year-Olds Immunisation Payments), replace from “sum of the” to “completed immunisations” with “number of children in the cohort of children in respect of whom the calculation is to be made who, by the end of the quarter to which the calculation relates, have completed immunisation courses”.

(22) In paragraph 8.6 (which relates to the duty to calculate the number of completed immunisation courses that are to count towards Quarterly Two-Year Olds Immunisation Payments)–

- (a) for “completed immunisations” substitute “completed immunisation courses”; and
- (b) after “were carried out” insert “before the end of the quarter to which the calculation relates”.

(23) In paragraph 8.7 (which relates to the method of calculation of the number of completed immunisation courses that are to count towards Quarterly Two-Year-Olds Immunisation Payments), after “completed immunisation” insert “courses”.

(24) At the end of sub-paragraph (a) of paragraph 8.8 (which relates to the maximum amounts payable as a Quarterly Two-Year-Olds Immunisation Payment), for “and” substitute “or”.

(25) In paragraph 8.10 (which relates to when Quarterly Two-Year-Olds Immunisation Payments are to fall due)–

- (a) after “last day of the quarter” insert “after the quarter”;
- (b) for “middle of the quarter,” substitute “PCT’s cut-off date for calculating quarterly payments,”;
- (c) after “at the end of the next quarter” insert “(that is, just under nine months after the cohort was established)”;
- (d) for “date to which the information relates.” substitute “final date for immunisations which could count towards the payment. The following table summarises the timetable in accordance with which TYOIPs will be made, unless the information the PCT needs to calculate the payment is supplied late.”

TABLE

<i>Quarter in respect of which the payment is made</i>	<i>Date the cohort of children is established</i>	<i>Final date for immunisations which count towards the payment</i>	<i>Cut-off date for submitting returns to the PCT</i>	<i>Date the payment falls due</i>
First quarter of the financial year	1st April	30th June	Date in September set by the PCT	30th September
Second quarter of the financial year	1st July	30th September	Date in December set by the PCT	31st December
Third quarter of the financial year	1st October	31st December	Date in March set by the PCT	31st March

year				
Fourth quarter of the financial year	1st January	31st March	Date in June set by the PCT	30th June

”

(26) In paragraph 8.11(b) (conditions attached to Quarterly Two-Year-Olds Immunisation Payments)–

- (a) in paragraph (i), after “quarter” insert “in respect of which a payment is claimed”; and
- (b) in paragraph (ii), after “paragraph 8.3(b)” insert “by the end of the quarter in respect of which a payment is claimed”.

(27) In paragraph 8.13(b) (target payments in respect of five-year-olds), for from “at least 70%” to “with the contractor” substitute “as regards the cohort of children, established on that day, who are registered with the contractor and who are aged five (i.e. who have passed their fifth birthday but not yet their sixth), by the end of that quarter at least 70%, for the lower payment, or at least 90%, for the higher payment,”.

(28) In paragraph 8.14 (which relates to the determination of the cohort of children in respect of whom a Quarterly Five-Year-Olds Immunisation Payment is to be calculated), after “seeking payment” insert “(this is the cohort of children in respect of whom the calculation is to be made)”.

(29) In paragraph 8.15 (which relates to the determination of the number of children who have received the recommended reinforcing doses), replace from “sum of the” to “Register and who” with “number of children in the cohort of children in respect of whom the calculation is to be made who, by the end of the quarter to which the calculation relates,”.

(30) At the end of paragraph 8.16 (which relates to the number of reinforcing doses that are to count towards Quarterly Five-Year-Olds Immunisation Payments), after “were carried out” insert “before the end of the quarter to which the calculation relates”.

(31) In paragraph 8.20 (which relates to when Quarterly Five-Year-Olds Immunisations Payments are to fall due)–

- (a) for “first month of” substitute “quarter after”;
- (b) for “middle of the quarter,” substitute “PCT’s cut-off date for calculating quarterly payments,”;
- (c) after “at the end of the next quarter” insert “(that is, just under nine months after the cohort was established)”; and

- (d) for “date to which the information relates.” substitute “final date for immunisations which could count towards the payment. The table in paragraph 8.10 summarises the timetable in accordance with which FYOIPs will be made, unless the information the PCT needs to calculate the payment is supplied late.”.

(32) In paragraph 8.21(b) (conditions attached to Quarterly Five-Year-Olds Immunisation Payments)–

- (a) in paragraph (i), after “quarter” insert “in respect of which a payment is claimed”; and
- (b) in paragraph (ii), after “poliomyelitis” insert “by the end of the quarter in respect of which a payment is claimed”.

(33) In paragraph 13.13 (which relates to Seniority Payments for former members of the Delayed Retirement Scheme), omit “in the financial year 2004 to 2005”.

(34) In Part 2 of Annex A (Glossary – definitions)–

- (a) after the definition of “Payable Global Sum Monthly Payment” insert the following definition–

““PCT’s cut-off date for calculating quarterly payments” means the date in the final month of a quarter, determined by a PCT, after which it is not in a position to accept new data in respect of payments to be made at the end of that quarter.”; and

- (b) after the definition of “Time Commitment Fraction” insert the following definition–

““Unadjusted Achievement Payment” is to be construed in accordance with paragraph 5.4.”.

(35) In paragraph E7 of Annex E (calculation of additional services achievement points), before “to be further” insert “is”.

Signed by authority of the Secretary of State for Health



8th June 2005

Richard Armstrong
A member of the Senior Civil Service
Department of Health