



# GUIDANCE FOR PRACTICES EMPLOYING STAFF FOR THE PRIMARY CARE NETWORK

## WHICH ENTITIES CAN EMPLOY STAFF FOR THE PCN?

There are a number of options. The employer could be the lead practice which receives the core funding, or another single practice. It could also be a separate entity which operates the PCN for the member practices (popularly called a federation). Finally, it could be all of the practices jointly in the PCN.

This latter approach is probably the most complicated from an employment point of view (because the employee will have several employers) but is the safest taking into account the risk that there may be a VAT levy imposed for the supply of staff. If this joint employment approach is taken, it would be helpful to designate a single practice to be the employee's main point of contact, for administrative, pay, data protection and disciplinary and grievance purposes.

However, there are other ways of hopefully avoiding a VAT levy which do not require multiple employers of a single employee.

## WORKING ACROSS ALL PRACTICES IN A PRIMARY CARE NETWORK (PCN)

In order to help avoid a finding that the employing organisation is supplying staff to other members of the PCN, thereby attracting VAT on the supply, it is important that the role genuinely serves the whole of the PCN equally. This should be reflected in the wording of the employment contract and the job description. Suitable wording could be "You are employed to work across the whole of the PCN" or "Your duties apply to all members of the PCN equally". Obviously, the actual day to day practice in the role should reflect this wording.

This wording will also assist in requiring the employee to work in all of the locations of the PCN as required, although an express obligation to do so would also be advisable.

## PROVIDING MEDICAL CARE

If appropriate, it may also be helpful to avoid an adverse VAT ruling by stipulating that the employee is providing medical care across the PCN. This wording should not be used if it is clearly not applicable.

## DATA PROTECTION

The nature of working across all of the PCN may mean that the employee's personal data may be made available to several entities. This should be avoided if possible by appointing a single entity to be the data controller and the data processor. This is most likely to be a problem where there are several employers of a single employee.



In addition, the staff member may have access to the personal data of a large number of individuals by working across the entire PCN. Suitable wording needs to be drafted into the employment contract to address this possibility. For suggested appropriate wording, see the data protection clauses of the Clinical Director templates.

### **REPORTING LINES**

Despite employment by one or more of the practices, it will be helpful to allow for simplicity of reporting lines. For some positions it might be best that all matters are dealt with by the employing practice, but for other posts, particularly where there is the flat practice model, a reporting line into the Board/Clinical Director may be better.

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