

## Collaborative Arrangements 2006/2007

As you may have read, the DDRB have not set collaborative arrangement fees for 2006/2007 and seem unlikely to do so in future, but have advised doctors to set their own fees for work done under the collaborative arrangements (the main items are below).

Competition legislation and the Office of Fair Trading prohibit the LMC, or the BMA, from advising on fees, and it is also illegal for individual doctors or staff to discuss their fees outside their practice. The penalties for breaching this law are severe and can be up to 10% of practice turnover (not profit).

The LMC advises practices that they should establish their fees for this work, however we do advise a degree of caution on both contractual and ethical grounds.

The BMA obtained a legal opinion last year which advised that a three month notice period should be given when withdrawing from collaborative arrangements. The DDRB's recommendation may have changed that but, as I have been unable to obtain detailed advice over the last few days, felt that practices should be in a position to make an early decision about their fee structure.

Practices wishing to set their own fees should, and notify their PCT that as there is no DDRB recommended fee any request for collaborative work received after a set date, (at present three months hence, but the practice should reserve the right to reduce this after legal or DH advice) will constitute a contract between the practice and the PCT and the practices fee schedule will apply.

Practices may not be aware that they may operate The Late Payment of Commercial Debts (Interest) Act 1998 and apply interest at no more than Base Rate +8%. (see <http://www.payontime.co.uk/downloads/commercialdebts.pdf>) and that debts are recoverable through the Small Claims Court. If practices intend to operate this scheme they should also include this information in their letter to the PCT.

Collaborative arrangements include:

- Notification of infectious disease
- Reports for social services, including child protection
- Attendance at child protection or other case conferences
- Housing reports requested by local authorities
- Mental health act work (including a request for an opinion where no "section" is completed)
- Requests by other local authority departments for medical reports

## Requests for blue badge reports

NB Certificates in connection with brain injury and council tax must be provided without charge.

Notwithstanding the above, caution should be exercised, prior to turning down collaborative arrangement work, since there may be ethical considerations as well as the need to maintain the doctor-patient relationship. Where a child is at risk, for example, the LMC would always strongly advise doctors to continue to fulfill their obligation to the child and that any fee is considered secondary. The decision to carry out work should, therefore, be made on a case-by-case basis.