

# Statement of Compliance with NHS Regulations

## Effective February 2012

### Introduction to Surgery Line

Daisy Surgery Line™ is an enhanced telephony solution provided to the UK General Practitioner (GP) market by Daisy Communications through a separate division (known as “Surgery Line”). It has been designed to meet the needs of General Practice and to help solve the problem of patient access. A 2010 survey found that 20 million patient calls a month were receiving the engaged tone when they tried to access their GP; Surgery Line eliminates the engaged tone to ensure every caller gets through. Moreover, Surgery Line provides a number of other benefits that significantly enhance patient experience and improve efficiency for GPs. Surgery Line is used widely in primary care, with the benefits provided listed as best practice by the Practice Management Network, as Surgery Line allows both staff and GPs to focus on patient care. The benefits of Surgery Line are only available on an 084, 03 number or geofix number frequently referred as “non-geographic numbers”.

### The Regulations governing the provision of telephone services for GPs

In April 2010, National Health Service (Primary Medical Services) (Miscellaneous Amendment) Regulations 2010 (the “Regulations”) came into force which clarified that, from 1st April 2010, any practice entering into a new contract for telephone services must be satisfied that, in the words of the Regulations; “having regard to the arrangement as a whole”<sup>1</sup>, calls to the practice would not cost patients more than equivalent calls to a local national (geographic) number. This was clarified by the Minister for Health, Simon Burns MP in January 2012, “The legislation is absolutely clear that if a person calls a GP surgery with a 084 number from a mobile, landline or payphone, they should not pay more than they would if they called a local landline number from the same phone”<sup>2</sup>. We are aware of the uncertainty that has arisen regarding the Regulations and their practical application to telephony systems currently in use in GP practices. As the market leader in the provision of enhanced telephony solutions to GP practices, we see it as our responsibility to play our part in eradicating this uncertainty for our customers and have therefore undertaken a comprehensive analysis to enable GP surgeries to satisfy themselves that they are compliant with the Regulations. We have summarised the analysis below (“Ensuring Compliance with the Regulations”), but first we would like to explain how the Surgery Line system works and the options available to GPs.

### The benefits of using Surgery Line

The benefits of Surgery Line to patient access and experience are numerous. GPs and practice staff can spend more time dealing with clinical issues rather than fielding calls during busy periods. Surgery Line allows patients to get through first time and to be pointed in the right direction or given appropriate information. Added to this is the ability to record telephone calls, queue patients, market local health information, such as flu jabs, and facilitate direct contact with clinicians. In general, the faster a patient gets through, the more positive their experience. Surgery Line’s GP customers

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<sup>1</sup> National Health Service (Primary Medical Services) (Miscellaneous Amendment) Regulations 2010

<sup>2</sup> Hansard, Westminster Hall, 24th January 2012

have seen reduced non-attendance for appointments and its use often leads to a significant increase in Quality and Outcomes Framework (QOF) scores for patient access. Analysis undertaken by Surgery Line demonstrated that over 90% of practices using Surgery Line have seen an increase in QOF scores relating to patient access after commencing use of the product.

### **Options for deploying Surgery Line**

Surgery Line has been designed to operate in different ways depending on surgery needs. The enhanced telephony benefits of Surgery Line are only available via an 084, 03 or geofix number (frequently referred to as a non-geographic number). The vast majority of GP surgeries elect for an 084 number because a portion of the income generated from calls can go towards funding the cost of the enhanced telephony system and other improvements to the surgery (for example check-in screens). However, GP surgeries are, of course, free to choose the most appropriate telephony solution for the particular needs of their patients.

### **The Department of Health view on enhanced telephony**

The Department of Health's view is that GPs should have the freedom to "improve access arrangements for their patients, provided that they are complying with the regulations"<sup>3</sup>. The Minister for Health, Simon Burns MP stated that "around 90% of patient contact with the NHS takes place in a primary care setting, with around 300 million consultations per year, so it is essential that patients can easily access care, and have a choice about how to do so."<sup>4</sup>

The Minister further noted that during a Department of Health consultation into the use of 084 numbers many respondents "valued the enhanced services they receive when calling their GP, such as queuing and additional booking options."<sup>5</sup> Moreover, "using an 084 number can help a GP practice to offer additional services that improve patients' access to care. It is right that GPs remain responsible for their own access arrangements, including their telephone number, opening hours and booking arrangements. Those arrangements will be different for different practices, and the ability of GPs to be locally responsive is something that we know patients value."<sup>6</sup> We fully support the Department of Health's view and have ensured the design of Surgery Line promotes choice for GPs, and will of course discuss and provide alternatives to 084 aimed at delivering improved access for patients.

### **Ensuring compliance with the Regulations**

The Regulations require that all practices using enhanced telephony systems such as Surgery Line with existing contracts or entering into new contracts must satisfy themselves that, taking the arrangements as a whole, calls to the surgery must cost no more than from a local national number. Surgery Line, as the leading provider of enhanced telephony solutions to GP practices has undertaken an extensive analysis and comparison from a suitable sample of the geographic and non-geographic call costs from a range of mobile and landline providers in order to demonstrate to Surgery Line customers that practices using Surgery Line can be satisfied that they are compliant with both the Regulations and British Medical Association (BMA) guidance on them. The analysis is below:

#### **Calls from Landlines & Payphones:**

OFCOM data demonstrates that 51% of total calls made and received in Q1, 2011 were from landlines and only 1% of calls made and received were from "public payphones or other" (Quarter 1, 2011, OFCOM Survey).

For one of BT's most popular call plans, the BT weekend anytime plan, individuals that call surgeries between 7 am and 7 pm Monday to Friday will pay 7.95 pence per minute to a local rate number, as opposed to 084 numbers called between the same times that are charged at 4-5.1 pence per minute. We believe this is the most comprehensive and best possible comparison for GP surgeries.

A call set up charge of 13.10 pence (also known as a connection fee) applies to ALL calls, whether they are to a geographic or to a non-geographic number.

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<sup>3</sup> Hansard, Westminster Hall, 24th January 2012

<sup>4</sup> Hansard, Westminster Hall, 24th January 2012

<sup>5</sup> Hansard, Westminster Hall, 24th January 2012

<sup>6</sup> Hansard, Westminster Hall, 24th January 2012

## Calls from Contract Mobile Phones:

OFCOM data demonstrates that calls from mobile phones accounted for 46% of total calls made and received in Q1, 2011 (Quarter 1, 2011, OFCOM Survey). In 2011, for the first time, the majority of call minutes originated from mobile phones.

- Comparing “in bundle” calls

The mobile phone market as a whole is a complex and difficult area to unravel. Due to the complexity of call/text/data bundles/packages, it is virtually impossible to ascertain the exact cost of making of a call to a surgery as part of these bundles/packages. In fact, ascertaining the cost of a mobile “in-bundle” call is near impossible, since the true cost per minute depends on the extent to which users utilise their phone voice allowance – a call cost for using 100 out of 600 in-bundle minutes will not be the same as the cost per minute of using all 600 minutes provided. It is therefore critical to highlight that contract mobile phone bundles/packages provide inclusive allowances for call/text/data in return for a monthly fee. In-bundle calls are therefore NOT free.

- Comparing “out of bundle” calls

We have therefore sought to clarify the comparative costs of calling geographic and non-geographic numbers outside of bundles/packages as this provides the most objective comparison. Our analysis from data provided by Pure Pricing, an OFCOM approved and used consultancy, shows that on average between November 2010 and November 2011 (inclusive) the cost of a 3 minute call (being the average length of a call to a surgery with Surgery Line) to an 084 number from a contract mobile phone, was equal to or less than calling a local rate number at the same time and for the same duration using standard tariffs from all major providers from the same phone (Mobile Network Operators including Tesco, Everything Everywhere and Vodafone, representing 93% of the market).

- Comparing Pay As You Go (PAYG) Mobile phones

On average, PAYG owners use their phone significantly less frequently than contract users. The number of PAYG connections is reducing in favour of mobile contracts as consumers realise that it is more cost effective to use contract mobile phone packages, where usage costs are typically much lower. Our analysis of the standard tariffs used by leading providers (who between them have a 55% market share) shows that in November 2011 calls using those tariffs were either the same price or less expensive to call non-geographic numbers than equivalent local rate numbers.

- Conclusions

There are multiple landline and mobile tariffs available in the UK today, and the market is evolving rapidly. Given this background, we believe that to the fullest extent practicable, and given the data available, we have demonstrated that “having regard to the arrangement as a whole”<sup>7</sup>, over an average length call it is no more expensive for a patient in the UK to call a GP practice on a non-geographic number than it is to make an equivalent call from the same phone. Based on the above analysis, we firmly believe that Surgery Line is compliant with the Regulations, the Minister’s recent clarification and the associated guidelines. We will of course continue to monitor the marketplace on behalf of our GP customers and should the Regulations or our view of compliance change significantly, we will inform our customers accordingly.

## Summary

**We believe our analysis provides objective evidence that, taking the arrangements as a whole, Surgery Line, provided on an 084 or 03 number, is fully compliant with the Regulations. Furthermore, Surgery Line has been demonstrated to improve patient access, a key plank of NHS strategy, and we are committed to working with our GP customers throughout the UK to improve both the delivery of primary care in the UK and the customer service enjoyed by patients.**

For further information, call us on 0844 477 3097 or visit our website <http://www.networkeuropgroup.com/gps.html>

Andy Woollard  
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<sup>7</sup> National Health Service (Primary Medical Services) (Miscellaneous Amendment) Regulations 2010