

**A Group of NHS GP practices in Warrington will be adopting a 0844 telephone number on 22 April 2013**

Three days after an announcement by Ofcom that the “Service Charge” which users of 0844 numbers impose on callers will shortly have to be declared (see [this release](#)), and three years after adoption of these numbers was banned in the NHS GP contracts, a new case has emerged.

Announcement

The three practices which make up the [CCA Care Partnership](#) in Warrington are all switching over to a 0844 telephone number on **22 April 2013**. In each case, a document describing the new system, “[CCA Surgery Line Flyer HR](#)”, is published offering misleading information about the cost of calling the new telephone number - **08443 878987**, as follows:

“The cost of calling the practice from a LANDLINE once the 0844 number is in place will be no greater than the cost of any normal local call for which you are currently being charged.”

“The cost of calling the practice from a MOBILE however will carry with it an extra cost. We therefore advise you to use your landline for the purpose of making calls to the practice in order to secure an appointment, enquire for test results or order your prescription.”

“... it will not increase your costs unless you choose to use your mobile phone.”

The advice not to “**choose**” to use a mobile is of little use to those in households which do not have a landline - 15% of the UK. Landline-using patients who have paid for normal local calls by through their subscription to a Call Plan (all of which exclude 0844 calls) will incur increased costs and may find that the only charged calls on their phone bill are those to the practice.

The reference to relative call costs is to the “penalty charge” imposed on landline users who (**ab**normally) call local numbers outside the terms of their chosen Call Plan. Landline call providers (including BT and Virgin Media) confirm that the overwhelming majority of calls to geographic numbers are made without charge. The (marginal) cost of a “normal” local call is therefore zero.

Breach of Contract

The contractual terms under which GPs provide NHS services include the following:

“The Contractor must not enter into, renew or extend a contract or other arrangement for telephone services unless it is satisfied that, having regard to the arrangement as a whole, persons will not pay more to make relevant calls to the practice than they would to make equivalent calls to a geographical number.”

(GMS Contract 2013/4 Clause 7.4.1; the other forms of NHS GP contract contain identical clauses.)

“**the arrangement as a whole**” surely cannot cover ONLY those landline users who incur penalty charges by calling a geographic number outside the terms of their chosen Call Plan.

The first two principles of the NHS, in its [recently updated Constitution](#) state:

“1. The NHS provides a comprehensive service, available to all”

“2. Access to NHS services is based on clinical need, not an individual’s ability to pay. NHS services are free of charge, except in limited circumstances sanctioned by Parliament.”

Given their statutory duty to have regard to the NHS Constitution, these practices seem to be admitting to a pending breach of that duty as well as a technical breach of contract.

