overseas missionaries
and NHS treatment

July 2013
This Briefing Paper and others like it are provided free of charge and help a great many churches and charities. Their development involves many hours of dedicated professional expertise both from within and outside of Stewardship. They are provided at our own cost as part of our mission to equip you.

If you find the material in this Briefing Paper to be of value, we would invite you to respond in the following ways:

- Subscribe to receive our email bulletins at our website, www.stewardship.org.uk; and
- Tell others in your church or charity about our resources.

If you regard the material to have been of particular help and significance to you in your work (for example using it to inform a church or charity group/network) perhaps you would consider making a financial gift to Stewardship in appreciation (though please feel under no obligation).
# Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>4</td>
</tr>
<tr>
<td>Missionary exemption from NHS charges</td>
<td>4</td>
</tr>
<tr>
<td>General legal background</td>
<td>4</td>
</tr>
<tr>
<td>Scope</td>
<td>4</td>
</tr>
<tr>
<td>What the law says</td>
<td>4</td>
</tr>
<tr>
<td>Interpretation and considerations</td>
<td>5</td>
</tr>
<tr>
<td>GPs and dentists</td>
<td>6</td>
</tr>
<tr>
<td>Further guidance</td>
<td>7</td>
</tr>
<tr>
<td>Appendix: pro forma template for organisations with overseas missionaries</td>
<td>8</td>
</tr>
</tbody>
</table>
introduction
This briefing paper describes an exemption for NHS charges relating to missionaries returning to the UK for hospital treatment. The specific exemption described does not override other more general exemptions (for example, relating to member states of the European Union, the European Economic Area, or countries with which the UK has reciprocal agreements for healthcare).

missionary exemption from NHS charges
Since 2007, missionaries working abroad that come back to the UK for hospital treatment, to be provided by a National Health Service (NHS) hospital in England have been specifically exempt from charges. New guidance issued in May 2012 relating to the National Health Service (Charges to Overseas Visitors) regulations 2011 re-affirms this to be current position.

general legal background
Law in the UK provides that NHS bodies should charge ‘overseas visitors’ for any NHS hospital treatment provided to them. An overseas visitor is defined as someone not ‘ordinarily resident’ in the United Kingdom.

Providers of NHS hospital services have a legal obligation to identify patients who are overseas visitors (as defined), and to charge them for any treatment provided unless they qualify for exemption.

The law provides for a range of exemptions from charges. Some of these relate to services themselves, such as treatment provided solely in an accident and emergency department, or treatment for certain specified diseases. Others relate to the individual circumstances of the overseas visitor.

scope
The exemption described in this Briefing Paper applies to treatment sought at hospitals in England only, but extends beyond the missionary themself to include their spouse or civil partner, and dependent children. These family members qualify for exemption in their own right meaning that the principal person on whom the exemption is based does not need to be in the UK at the time treatment is sought.

what the law says
The law is contained in a Statutory Instrument 2011/1556 entitled ‘The National Health Service (Charges to Overseas Visitors) Regulations 2011. It gives unconditional exemption from NHS hospital charges to missionaries:

- that are working outside the United Kingdom, as a missionary
- for an organisation that is established in the United Kingdom.

---

1 Decisions about specific NHS charges is a devolved matter in Wales, Scotland and Northern Ireland.
Importantly, this is regardless of whether the missionary derives a salary or wage from the organisation, or whether or not they receive any type of funding or assistance from the organisation for the purposes of working overseas for that organisation.

As already noted, the exemption extends to the spouse, civil partner or child of the missionary. They do not have to live permanently with the missionary. They can be in the UK independently of them. In this context, ‘child’ means:

- an individual who is under 16 or under 19 if in full time education, and
- in respect of whom the missionary is their parent or legal guardian.

interpretation and practical considerations

Missionary – The regulations contain no definition of the word ‘missionary’. We are advised by the Department of Health that, during drafting, consideration was indeed given to including a definition. However, it was concluded that doing this would be unhelpful in as far as a definition, applied strictly, could easily operate to exclude people that the regulations were intended to help.

In applying the regulations, we are advised that it will be for individual hospitals (and ultimately, the Department of Health) to assess the merits of a claim to missionary status on a case by case basis. This may turn on how the sending organisation describes itself and how it views the status of the claimant. For example, a church that sends an individual overseas as part of a Christian teaching ministry is likely to view that individual as being a missionary. He or she is also likely to be recognised as such by people in general. But, what of a development worker sent by a UK Christian relief fund? This may turn on their precise role and the organisational and individual motivation behind going overseas.

The Department of Health have advised us that the general wish of most hospital trusts will be to be helpful and generous in their interpretation where the claimant is a UK National working as a Missionary.

Working – As many missionaries do not work under any formal contract of service (employment contract) or indeed a contract for services (self employed contract) there may be concerns that this criteria is not met. Many missionaries are ‘sent by’ a missionary organisation but otherwise have to raise their own support.

The Department of Health understand the range of arrangements that exist between missionary organisations and ‘their’ missionaries. The law specifically contemplates this is allowing exemption regardless of the salary, wage or funding arrangements.

Organisation ‘established’ in the UK – The exemption requires the missionary to be working for an organisation established in the UK. However, the Guidance issued by the Department of Health to hospitals refers to an organisation ‘principally based’ in the UK. It is therefore likely that hospital authorities in any given case will follow the wording of the Guidance rather than that in the Regulations. There is no statutory definition of either term and we would expect hospitals to interpret this requirement flexibly.
It is however important that the missionary can provide evidence of their connection with a UK organisation that they are ‘working for’ as a missionary. It will be advantageous for an evidencing letter from the organisation (see below and Appendix 1) to make it clear that the organisation itself believes that it is established in the UK, thereby placing the onus on the hospital to determine otherwise.

Evidence – The decision to grant exemption from charges for treatment rests with the Overseas Visitors Manager (OVM) (sometimes referred to as the Paying Patients Manager (PPM)) at individual hospitals.

Missionaries seeking treatment are therefore advised to have some form of evidence to hand to present to the hospital when seeking treatment. If they are formally employed by the mission, the right to exemption is clear cut. In other cases, the mission can confirm their link with the missionary by providing whatever evidence there is that the missionary ‘works for them’. For example, the mission may provide them with accommodation on location or may provide other forms of non financial support (see Appendix 1).

In some countries it may not be wise for the Christian worker to carry documentation that identifies them. Where this is the case, the missionary organisation should be contacted by the missionary (or family member) on their return to the UK to be asked to provide whatever evidence is required.

If the missionary is not satisfied with a hospital’s decision, they should ask the OVM (or PPM) to refer the matter to the Department of Health for advice. In practice this will be to the Overseas Visitors Team. We are advised that claimants should not make a direct approach to the Department of Health.

Residence – The ‘missionary exemption’ does not actually require the missionary to have been UK resident in the past, or to be a UK citizen. This is in contrast to the general rule that to receive free NHS treatment, an individual should be ‘ordinarily resident’ in the UK. So, an overseas national, sent as a missionary, to a location outside of the UK by an organisation that is ‘established’ in the United Kingdom can come within the exemption.

The Department of Health advised us in 2007 (when the Regulations were first made) that this was an oversight and that they may amend the Regulations in future. They may, for example, require the claimant to have been resident in the UK for a continuous period of 10 years, at some point in the past, prior to becoming eligible for the exemption.

GPs and dentists

The exemption provided to missionaries is for NHS treatment in hospitals in England only. It does not extend to GP or dental treatment. Unlike hospitals, they operate under contract to the NHS and it is up to the GP or dentist whether to accept you onto their list of NHS patients. They may accept you on their list if you are living in the UK, but they don’t have to.

Visitors are not usually entitled to get non-hospital treatment. So the missionary that used to live in the UK and then went to live abroad, would not normally get free treatment when returning to the UK for a visit. There are some exceptions to these rules, for example, if you need emergency treatment.
A GP may, in practice, be flexible in deciding whether you are resident in the UK, in order to qualify for free treatment. You will usually have to show that your stay in the UK has some degree of permanence and stability, that is, that you are here for a ‘settled purpose’.

If you are a visitor in the UK for less than three months, a GP may accept you as a temporary resident. Otherwise, a GP may offer to accept you as a private patient and you will have to pay for treatment.

**further guidance**

The Department of Health have published guidance which can be found at:


Paragraphs 3.91 and 3.92 are of particular significance.
appendix 1

pro forma template letter for organisations with overseas missionaries

Note: It is important that this letter is written on ‘official’ organisational headed paper, and wherever possible has a UK registered office/charity/church address included. This letter should be:

- periodically renewed (preferably annually) so as to be current in the event that it is required and;
- where a couple are both working for the organisation, it is suggested that individual letters be provided. This is particularly the case where children may require future treatment.

To whom it may concern
Overseas Visitors Manager (OVM) or Paying Patients Manager (PPM)

Dear Sir or Madam,

[Insert name of missionary (or missionary relative)]

As a representative of [insert organisational name & UK registered charity number if one exists], an organisation based principally in the UK and providing missionaries to countries overseas, I can certify that [insert name of missionary] is working as an associate of [insert organisational name] and is currently based in [insert name of country].

This status is expected to continue for [choose from the following options] (a minimum period of 24 months from the date of this letter/until [insert date]/for the foreseeable future) and this letter serves as evidence of exemption from charges for NHS hospital treatment in England under Regulation 20 of The National Health Service (Charges to Overseas Visitors) Regulations 2011 (SI 2011/1556).

Yours faithfully

[signatory name]
[Signatory’s official title / position in organisation]