



Terms and Conditions of Service for NHS Doctors and Dentists in Training (England) 2016: Guidance on pay for rotas exceeding 1:2 weekend working frequency

CONTEXT

During the exceptional circumstances of the COVID-19 period, the BMA and NHS Employers have continued to work constructively, and at pace, to input into the government's emergency response in producing supporting guidance and updates on emerging issues and challenges.

As part of this work, the BMA and NHS Employers published a [joint statement](#) on the application of the contractual protections of the 2016 TCS during the pandemic. The statement recognised that in order to meet the challenges presented by COVID-19 it was necessary for employers to put in place new working arrangements that were not compliant with the national terms and conditions of service. This included removing the contractual limit on doctors working on weekends at a frequency greater than 1 in 2 weekends.

There has been no national guidance as to how doctors should be remunerated for this increased frequency of weekend working during these exceptional circumstances and as such some employing organisations have set remuneration for doctors locally.

The Government, through Department for Health and Social Care (DHSC), was consulted on appropriate pay arrangements for these rotas and has confirmed that this should be a matter for local determination rather than agree a national solution. The BMA and NHS Employers accept that the conversation about remuneration for these rotas will, consequently, move to an organisational level.

Local arrangements

We jointly believe that employing organisations should avoid rostering rotas that exceed a frequency of 1 in 2 weekends.

Where emergency rotas exceeding the 1 in 2 weekend frequency limits have been necessary to respond the challenges presented by the pandemic employers must:

- Ensure that the weekend rotas are maintained for only as long as it remains absolutely necessary.
- Reach agreement, via the established local negotiation structures, on an appropriate remuneration for this increased weekend working. Any agreement must apply retrospectively to the whole period covered by these emergency rotas, where a local agreement has not previously been in place.

Temporary measures

The BMA and NHS Employers are clear that the use of rotas with a frequency in excess of 1 in 2 weekends are an exceptional and temporary response solely for the purposes of responding to the COVID-19 period.

Any local agreement should be explicitly made in reference to, and bound by the terms within, the [joint statement](#) issued by the BMA and NHS Employers. Therefore, it must be agreed and accepted by all parties that, by entering into this agreement, neither the employer, the LNC or the BMA are agreeing to any form of permanent contractual variation for the doctors impacted by the agreement. In addition, all local agreements applied to these rotas must cease when the joint statement is withdrawn, either unilaterally or jointly, by the BMA or NHS Employers.

Funding

Application of the provisions set out above are likely to incur additional costs. Employers will want to follow [advice issued](#) by NHS England and NHS Improvement on recording and claiming for additional costs attributed to the Covid response and any subsequent updated guidance.

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