

## Transitional pay protection eligibility tool

This product has been designed to help determine whether or not a doctor is eligible for transitional pay protection on moving to the 2016 contract. It is based on Schedule 14 of the [2016 Terms and Conditions of Service](#),

**Guidance** – simply answer yes or no to the questions to determine if a doctor is eligible for transitional protection under Schedule 14.

### Determining eligibility for transitional protection for GP Trainees.

Q1	Was the GP trainee in NHS employment on 2 August 2016 as part of an approved postgraduate training programme?	Yes – go to question 9
		No – go to question 2
Q2	Was the doctor absent on 2nd and/or 3rd August 2016 due to maternity, shared parental, adoption or long term sick leave, or an approved OOP, but still holds a national training number NTN (or equivalent), or were part way through their foundation or core training programme when their out of programme (OOP) was agreed or absence started?	Yes – go to question 9
		No – go to question 3
Q3	Has the doctor accepted a place in a training programme in a 2015 recruitment round, or earlier, and agreed with Health Education England (HEE) to defer the entry date at that time, and is now entering that programme on the agreed date?	Yes – go to question 9
		No – go to question 4
Q4	Has the doctor accepted a place on a training programme during a 2016 recruitment round (prior to 30 June) and agreed with HEE a deferral of the start date and is now entering that programme on the agreed date?	Yes – go to question 9
		No – go to question 5.
Q5	Has the doctor accepted an appointment to start a period of research or organised leadership programme (e.g. the FMLM scheme) prior to 6 July 2016 without having secured a place on a GP or specialty training programme, but would otherwise qualify for pay protection on return to training under the 2016 terms and conditions of service? To qualify the doctor must enter a nationally recognised specialty training programme at the first available opportunity, in line with the national specialty training recruitment timetable, following the successful completion of that academic or leadership work. Eligibility will only be extended to those who have made the decision to take up such academic or leadership programme activity prior to 6 July 2016 and evidence should be sought of the date upon which they accepted this academic or leadership work.	Yes – go to question 9
		No – go to question 6
Q6	Has the doctor, during the transitional period, switched training programmes or re-entered training from a national career grade, without a break in training of more than three months?	Yes – go to question 9
		No – go to question 7
Q7	Has the doctor successfully applied to re-enter training in the 2016 recruitment rounds, moving directly from a nationally recognised career grade where they have at least 13 months continuous service in that grade immediately prior to re-entering training? (Note - only applicable to those who applied in 2016 recruitment rounds as it will protect the pay expectations they had when making that application.)	<b>Yes – doctor eligible to be protected under Schedule 2 para 51.</b>
		<b>No go to question 8</b>

<b>Q8</b>	Has the doctor applied to re-enter training prior to the publication of the 2016 TCS on 6 July 2016 from a post which was not on national TCS (i.e. a trust grade post) and therefore expected to benefit from incremental credit under the 2002 TCS, and are due to commence that post before 10 February 2017? (unless deferral of entry has been agreed)	<b>Yes – see A2 below</b>
		<b>No – see A1 below</b>
<b>Q9</b>	At 3 August 2016 was the doctor commencing F1, OR remaining on F1 or F2, OR entering F2 directly from F1 or from other training programmes, OR a new entrant to core or run-through specialty training (CT1/ST1) from F2 or from other training programmes, OR moving into CT2, ST2 or CT3 from the grade immediately below or from other training programmes, OR remaining in CT1, ST1, CT2, ST2 or CT3, OR progressing directly from core training or from other training programmes to higher training at ST3 (or for psychiatry or emergency medicine ST4).	<b>Yes – see A3 below</b>
		No – go to question 9a
<b>Q9a</b>	Is the doctor described in Question 8, but did not start on 3 August 2016 because they were absent due to due to maternity, shared parental, adoption or long term sick leave, or an approved OOP?	<b>Yes – see A3 below</b>
		No – got to question 9b
<b>Q9b</b>	Is the doctor described in Question9 but instead of starting on 3 August 2016, they completed their training programme on 2 August 2016 having accepted the offer of their next training programme but do not commence on 3 August 2016, either as a result of differing start dates of the training programme or as a result of an agreed deferral of their start date?	<b>Yes – see A3 below</b>
		No – go to question 10
<b>Q10</b>	Was the GP trainee already at ST3 or above on a run-through training programme on 2 August 2016, OR already in a higher specialty training programme on 2 August 2016?	Yes – see A4 below
		<b>No – go to question 10a</b>
<b>Q10a</b>	Is the doctor described in Question 11, but on 2 August 2016 they were absent due to due to maternity, shared parental, adoption or long term sick leave, or an approved OOP?	<b>Yes – see A4 below</b>
		<b>No – see A5 below</b>

## Answers / results

<b>A1</b>	Doctor not eligible for transitional pay protection - As you have answered no to every eligibility question, it would appear that this doctor is not eligible for the provisions of Schedule 14 of the 2016 TCS. Their pay will therefore simply be calculated under Schedule 2 of the TCS.
<b>A2</b>	Re-entered training from a post not in a nationally recognised grade - this doctor will be considered for the pay protection arrangements outlined in Schedule 14. The incremental point paid to the doctor after commencing their training programme under the 2002 TCS shall be used for the determination of pay protection on transition to the 2016 contract, OR where the doctor commences their training programme directly on the 2016 TCS, the 2002 terms shall be used to determine what the appropriate incremental point would have been on the day immediately prior to transition, had they already been in post on the 2002 TCS.
<b>A3</b>	Doctor eligible for Section 1 (cash floor) pay protection, calculated as per Schedule 14 paragraphs 7-23.
<b>A4</b>	Doctor eligible for Section 2 pay protection under Schedule 14, these doctors will stay on the MN37 scale and receive a banding supplement calculated under Annex B of the 2016 TCS.
<b>A5</b>	You have indicated the doctor is eligible for pay protection, but then indicated they do not fall under any of the categories of doctors who are eligible. You may wish to go through the questions again to ensure you haven't answered incorrectly.

**Note** – it is likely doctors in lead employer arrangements will remain on their existing contracts until their contract expires. Any subsequent contracts will be issued on 2016 terms and conditions.