

Pay Circular (M&D) 3/2005

1 June 2005

To: All NHS Managers
Department of Health

Dear Colleague,

AMENDMENTS TO TERMS AND CONDITIONS OF SERVICE FOR HOSPITAL MEDICAL AND DENTAL STAFF, DOCTORS IN PUBLIC HEALTH MEDICINE AND THE COMMUNITY HEALTH SERVICE

This letter details:

For doctors and hospital dentists in training:

- A. New pay arrangements for doctors training flexibly;
- B. Pay anomalies on promotion – SHO to SpR;

For all practitioners:

- C. Retirement;
- D. Public Holidays;
- E. Special leave with and without pay;
- F. Maternity leave and pay, and the employment breaks scheme;
- G. Agreed changes to the terms and conditions of service.

Summary

1. This pay circular notifies employers of changes to the National Health Service Hospital Medical and Dental Staff and Doctors in Public Health Medicine and the Community Health Service. (England and Wales) Terms and Conditions of Service. ("TCS"). A link to the amended TCS is given below.

Agreement

2. The Joint Negotiating Committee (Juniors) has agreed new pay arrangements for doctors training flexibly and changes to the TCS relating to Senior House Officers (SHOs) promotion to the Specialist Registrar Grade (SpR).
3. The Joint Negotiating Committees (Seniors and Juniors) have approved amendments to the TCS relating to retirement, maternity leave, statutory days and general amendments.

A. New Pay Arrangements for Doctors Training Flexibly

4. The previous arrangements for doctors training flexibly were viewed by employers as inequitable and comparatively expensive compared to the rates paid to full-time trainees. This made employers less likely to want to recruit flexible trainees and therefore reduced the training opportunities for those doctors who had difficulties training on a full-time basis.
5. As a result of this an agreement was reached in the Joint Negotiating Committee (Juniors) on new pay arrangement for doctors training flexibly to be implemented on the 1 June 2005. The new arrangements will facilitate access, provide clear guidelines on eligibility, promote a move towards integrated rather than supernumerary working, and above all introduce a transparent and equitable pay structure.
6. From an NHS trust perspective this should make employing a flexible trainee a more attractive proposition and it is expected to open up flexible training to doctors who in the past may have found difficulty in obtaining it.
7. For more information on the new contract for flexible trainees please go to the following web page on the NHS Employers website:
http://www.nhsemployers.org/PayAndConditions/doctors_in_training_including_gp_registrars.asp

B. Pay Anomalies on Promotion

8. Following discussion in the Joint Negotiating Committee (Juniors) an agreement has been reached on a mechanism to prevent financial disadvantage to those SHOs who, on promotion to SpR grade, would be affected under existing rules.
9. This instruction will apply to practitioners in SHO posts on points 1 and 2 of the SHO scale (MN21 / KA01) following promotion to SpR posts. This provision already exists for practitioners in SHO posts on points 3, 4 or 5 of the SHO scale following promotion to SpR posts.
10. Employing authorities should ensure that, in determining the starting salary on promotion for such practitioners, the existing provisions of paragraph 133(a) will apply, except that if a practitioner has served 5 months or more on the SHO scale the practitioner will move to the appropriate point on the SpR scale as determined by paragraph 133, but will retain their existing incremental date for pay purposes.
11. This is effective as of the date of this circular 1 June 2005.

C. Retirement

12. The Article 13 Employment Directives require all EU member states to introduce legislation prohibiting direct and indirect discrimination at work on the grounds of, amongst other things, age. The UK Government is committed to legislate by 2006, in compliance with these Directives. It has therefore been agreed with the Joint Negotiating Committees (Seniors and Juniors) that paragraph 200 of the TCS should be removed. Paragraph 200 is now unallocated in the TCS.

D. Public Holidays

13. It has been agreed by the Joint Negotiating Committees (Seniors and Juniors) that revised arrangements for public holidays should apply. An amended paragraph 214 has been incorporated into the TCS.

E. Special leave with and without pay

14. It has been agreed by the Joint Negotiating Committees (Seniors and Juniors) that revised arrangements for special leave with and without pay should apply. An amended paragraph 260 has been incorporated into the TCS.

F. Maternity leave and pay and the employment breaks scheme

15. It has been agreed by the Joint Negotiating Committees (Seniors and Juniors) that more favourable arrangements for maternity leave and pay should be incorporated into the TCS. These arrangements mirror those for non-medical NHS Staff. Due to a cross reference to the employment break scheme in the maternity leave and pay provisions, the arrangements for the employment break scheme as provided for non-medical NHS Staff have also been incorporated into the TCS. Both these arrangements were formerly based on Whitley agreements which have been superseded. They have been inserted on a temporary basis, pending further discussions about the successor body to the Whitley Council.
16. The new maternity leave and pay provisions have been inserted into new appendix IV(i); the employment break scheme provisions have been inserted into new appendix IV(ii). An amended paragraph 261 has been incorporated into the TCS.
17. The more favourable arrangements for maternity leave and pay include an extra four weeks at half pay plus any Statutory Maternity Pay that may be payable. It has been agreed that these revised arrangements apply in respect of all pregnant employees whose expected week of childbirth begins on or after 5 December 2004. Employers are asked to recognise that these arrangements may need to apply retrospectively.
18. All other relevant provisions in the Whitley Council TCS as set out in appendix II continue to apply.

G. Other changes to the terms and conditions of service

19. A number of agreed changes to the TCS have been made which update certain references, i.e. a change in reference from Advance Letters to Pay Circulars. The detailed record of all such changes can be found in the record of amendments log (see paragraphs 20 and 21).

Record of amendments

20. For ease of reference, all amendments which have been made to the TCS since the combined TCS was issued in September 2002 are collated in a record of amendments log. The log also records the Advance Letter, Pay Circular, or other reference under which amendments were issued.
21. Each amendment in the TCS has been given a reference number which appears in the text as a superscript number at the end of each amendment i.e., 'the superscript shows you that wording in this paragraph has changed¹³'. The superscripted number corresponds to the number assigned to the amendment in the record of amendments log. By doing this, the reader is notified that an amendment has been made to the TCS and is directed to the relevant section of the record of amendments log. A link to the record of amendments log is given below.

Action

22. Employers are requested to make use of the amended TCS from 1 June 2005, whilst being mindful of the requirement to apply the new maternity leave and pay provisions retrospectively.

Enquiries

23. Employees should direct personal enquiries to their employer.
24. Employers should direct enquiries to:
doctorsanddentistsenquiries@nhsemployers.org

Further copies

Copies of this circular can be downloaded from the NHS Employers website at the following web address:

http://www.nhsemployers.org/KeepingInTouch/publications_paycirculars.asp

A copy of the TCS can be downloaded from the NHS Employers website at the following web address:

http://www.nhsemployers.org/docs/terms_conditions_service.pdf

A copy of the Record of Amendments Log can be downloaded from the NHS Employers website at the following web address:

http://www.nhsemployers.org/PayAndConditions/consultants_and_dental_consultants.asp

Copies of previous Advance Letters from 1995 onwards may also be obtained from the Department of Health website at:

www.dh.gov.uk/letters

Yours faithfully



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