

Pay Circular (M&D) 4/2005

1 June 2005

To: All NHS Managers
Department of Health

Dear Colleague,

AMENDMENTS TO TERMS AND CONDITIONS OF SERVICE - THE 2003 CONSULTANT CONTRACT (ENGLAND)

Summary

1. This pay circular notifies employers of changes to the 2003 consultant contract (England) Terms and Conditions of Service ("TCS"). A link to the amended TCS is given below.

Agreement

2. The Joint Negotiating Committee (Seniors) has approved amendments to the TCS which are detailed in the paragraphs below.

Schedule 1 – Commencement of Employment

3. It has been agreed that paragraphs 1 and 2 should be amended and incorporated into the TCS, and that a new paragraph 3 should be inserted into the TCS.

Schedule 4 – Mediation and Appeals

4. It has been agreed that paragraph 5 should be amended. An amended paragraph has been incorporated into the TCS.

Schedule 13 – Basic Salary and Payment for Additional Programmed Activities for Consultants Appointed Before 31 October 2003 and Schedule 14 – Basic Salary and Payment For Additional Programmed Activities For Consultants Appointed After 31 October 2003

Schedule 13

5. It has been agreed that an additional sentence should be added to paragraph 5. Paragraph 8 has been deleted from Schedule 13 and new wording incorporated into Schedule 22 paragraph 7.

Schedule 14

6. It has been agreed that a new paragraph 7 should be added to the TCS. An amended paragraph has been incorporated into the TCS.

Schedule 13 and 14

7. Employers have indicated that it is no longer useful to retain the 2003/2004 'salary on commencement' and 'seniority and pay thresholds' tables which are included within the main body of Schedule 13 and Schedule 14. It has been agreed that these tables should be removed from within the main body of the text, and that revised versions of the tables should be inserted into annexes at the back of Schedule 13 and Schedule 14. Replacement pages for the annexes will be made available each year in the Pay Circular which details uplifts to pay and allowances.

Schedule 18 – Leave and Public Holidays

Public Holidays and Special Leave with and without pay

8. It has been agreed that revised arrangements for public holidays should apply. An amended paragraph 4 has been incorporated into the TCS. It has also been agreed that revised arrangements for special leave with and without pay should apply. The wording in paragraph 33 and paragraph 34 has been amended and incorporated into a revised paragraph 33.

Maternity Leave and Pay

9. Agreement has been reached to incorporate more favourable arrangements for occupational maternity leave and pay into the TCS and these can be found in Temporary Schedule 24 (see paragraphs 13 and 14 below). 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 in Temporary Schedule 25. 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. Schedule 18 paragraph 34 now refers the reader to Schedule 24, rather than the previous arrangements which referred the reader to the Whitley Council TCS. Paragraph 35 is now unallocated.
10. 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.
11. All other relevant provisions in the Whitley Council TCS as listed in Schedule 20 continue to apply.

Schedule 22 – Locum Consultants

12. It has been agreed that paragraphs 4, 5, 6 and 7 should be amended. Amended paragraphs have been incorporated into the TCS.

Schedule 24 – Maternity Leave and Pay

13. It has been agreed to insert this Schedule on a temporary basis (see paragraphs 9, 10, and 11 above).

Schedule 25 – Employment Break Scheme

14. It has been agreed to insert this Schedule on a temporary basis (see paragraphs 9, 10, and 11 above).

Other changes to the terms and conditions of service

15. A number of other agreed changes to the TCS have been made which update certain references and tidy up typographical errors. The detailed record of all such changes can be found in the record of amendments log (see paragraphs 16 and 17).

Record of Amendments

16. For ease of reference, all amendments which have been made to the TCS since publication 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.
17. 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 superscript 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

18. 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

19. Employees should direct personal enquiries to their employer.
20. 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_paycirculares.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

A handwritten signature in black ink that reads "G Bellord .". The letter "G" is large and stylized, with a loop at the bottom. The name "Bellord" is written in a cursive style.

Gill Bellord
Head of Pay and Negotiations
NHS Employers