

# Schedule 30 of the national terms and conditions for NHS consultants in England

## Version 2 (amended 31<sup>st</sup> March 2021)

### Schedule 30 Clinical Excellence Awards

1. For the purposes of this schedule, the following definitions will apply:
  - **Existing LCEA:** Local clinical excellence awards granted prior to 1 April 2018 under existing local clinical excellence awards schemes in place as at 31 March 2018.
  - **New LCEA:** Local clinical excellence awards granted between 1 April 2018 and 31 March 2022.
  - **Future LCEA:** Local performance awards granted from 1 April 2022.
  - **Existing NCEA:** National clinical excellence awards granted under the existing NCEA scheme.
  - **Existing NCEA scheme:** The national clinical excellence awards scheme as at 31 March 2018.
  - **Future NCEA:** National performance awards granted following the introduction of a future NCEA scheme.
  - **Future NCEA scheme:** A reformed NCEA scheme or schemes introduced by the Secretary of State for Health and Social Care on or after 1 April 2021, following changes to the existing NCEA scheme in accordance with paragraph 22 below.
  - **Employers, employing organisations and employees to which this schedule applies:** This schedule applies to all consultants employed under the Terms and Conditions – Consultants (England) 2003 and their employers.
  - **Award rounds:** An annually run process which considers evidence of an individual's performance prior to 1 April of the award round year.

### Arrangements from 1 April 2018

2. Subject to the separate arrangements as provided for at paragraph 9 below in relation to the suspension of the 2020 and 2021 LCEA award rounds and the distribution of LCEA funding by way of annual one-off non-consolidated payments to all eligible consultants in relation to the 2020-2021 and 2021-2022 financial years only, employers must until 31 March 2022 run annual local clinical excellence awards (LCEA)

rounds with reference to amended 2012 ACCEA guidance on employer-based awards<sup>1</sup>. Existing LCEA schemes can be amended where there is agreement with the joint local negotiating committee (JLNC)<sup>2</sup>. Separate provisions in regard to amendment and alteration of future LCEA schemes or new performance pay schemes will apply from 1 April 2022 as set out at paragraph 13 below.

3. Existing LCEA shall remain pensionable and consolidated. Awards under any 2017 LCEA award round that an employer may run and which concludes after 31 March 2018 should be granted in line with any existing LCEA arrangements in place prior to 1 April 2018. Such awards are treated as existing LCEA with payment backdated to 1 April 2017 (or other appropriate date in the period 1 April 2017 – 31 March 2018 as determined by the local arrangements). All payments made as part of the 2018 round will be made in line with paragraph 5.
4. The value of existing LCEA and new LCEA from 1 April 2018 will be subject to uplift in line with recommendations made by the Doctors' and Dentists' Pay Review Body (DDRB) that are implemented by the Department of Health and Social Care (DHSC). Where an individual in receipt of an existing LCEA moves to another NHS organisation, and continues to work within the speciality for which the award was made, the award will continue to be paid by the new employer, subject to the provisions on change of circumstances as set out in part 9 of the 2012 Advisory Committee on Clinical Excellence Awards (ACCEA) guidance on employer-based awards.
5. For the LCEA rounds relating to the 2018-19 and 2019-20 financial years, the investment ratio for new LCEA will be set at 0.3 as outlined in the table below.

For the period 1 April 2020 to 31 March 2021, the minimum investment ratio for the funding of annual one-off non-consolidated payments to all eligible consultants shall be set on the basis of 0.424 points per eligible consultant for that year.

For the period 1 April 2021 to 31 March 2022, the minimum investment ratio for the funding of annual one-off non-consolidated payments to all eligible consultants shall be set on the basis of 0.218 points per eligible consultant for that year.

For these purposes, 'eligible consultants' are those with at least one year's service at consultant level and who do not hold an existing LCEA Level 9, an existing NCEA, or a distinction award.

This funding cannot be deferred and must be awarded in full each and every year, unless there is agreement with the JLNC that any uncommitted funds will be carried forward and spent on awards in the following year. For the avoidance of doubt at a minimum:

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<sup>1</sup> Amended 2012 ACCEA guidance on employer-based awards will be finalised and agreed with the recognised trade unions.

<sup>2</sup> All references in this document to joint local negotiating committees (JLNC) will also be considered to apply to any other appropriate consultant representative group where no JLNC exists

- funding for new LCEA awarded between 1 April 2018 and 31 March 2019 will be recurrent for three further years until 31 March 2022 (0.3 points per eligible consultant)
- funding for new LCEA awarded between 1 April 2019 and 31 March 2020 will be recurrent for two further years until 31 March 2022 (0.3 points per eligible consultant, cumulative total of 0.6 points per eligible consultant)
- funding for one-off non-consolidated payments for the period from 1 April 2020 to 31 March 2021 will be recurrent for one further year until 31 March 2022 (0.424 points per eligible consultant, cumulative total of 1.024 points per eligible consultant)
- funding for one-off non-consolidated payments for the period from 1 April 2021 to 31 March 2022 will be for one year until 31 March 2022 (0.218 points per eligible consultant, cumulative total of 1.242 points per eligible consultant on FTE basis provided awards are made in full to those working part time<sup>3</sup>).

Year	Additional Funding (points per eligible consultant)	Cumulative Funding (points per eligible consultant for that year)
2018-2019	0.3	0.3
2019-2020	0.3	0.6
2020-2021	0.424	1.024
2021-2022	0.218	1.242

Except for the separate arrangements made at paragraph 9 below in relation to 2020-2021 and 2021-2022 only, employers will normally open awards rounds in April every year which will cover work undertaken prior to 31 March of that year.

6. If the existing NCEA scheme is reformed prior to 31 March 2022, and future NCEA are of lower value, then the costs associated with any additional payments made through employers' local performance pay schemes (as set out in paragraph 25) will be met by a reallocation of the previous NCEA funding stream to the new LCEA funding stream and will be met in addition to the cost outlined in the table above.
7. Payments for new LCEA points made from 1 April 2018 and the one off LCEA payments made in respect of the 2020/2021 and 2021/2022 financial years will be non-consolidated and non-pensionable, payable in accordance with the table set out

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<sup>3</sup> For 2018/19 – 2019/20, less than full time (LTFT) staff were eligible for a pro-rata-ed award value. For 2020/21 and 21/22, where the award rounds were temporarily suspended during the pandemic and an equal distribution process implemented, LTFT staff were entitled to receive an equal share of the overall investment, with the overall investment calculated on an FTE basis.

at paragraph 5 above by lump sum, and will not include an uplift for those undertaking additional programmed activities (APA)

8. Where an individual in receipt of a new LCEA, paid over multiple years, leaves the awarding organisation before the full value of the award is paid, the individual's new employing organisation, to which this schedule applies, will undertake to pay the remaining value of the award. The payment of the remaining value of this award will be met from within the new employing organisation's awards funding for the relevant years. The money within the former employing organisation freed up by the departure of the multiple-year award holder will be reinvested into the award funding of future years. If the multiple-year award holder ceases to work for any employer to which this schedule applies, they will no longer receive any award value from the date that they leave that employer.
9. In the years 1 April 2020 to 31 March 2021 and 1 April 2021 to 31 March 2022, in response to the exceptional circumstances arising from the outbreak of the COVID-19 pandemic, it is agreed that the operation of the LCEA awards round by employers shall be suspended for those years only. Instead, the following arrangements shall apply in respect of those years only (unless otherwise agreed by the JLNC):-

Funding that will have been allocated to employers to pay for new LCEA in respect of 2020-2021 based on the funding ratio set out in paragraph 5 above, together with any outstanding LCEA funding which has been rolled over since 2018, shall be distributed equally among all eligible consultants (as defined in paragraph 5 above) by way of a one-off non-consolidated payment through the employer's payroll.

For the 2021 round covering 1 April 2021 to 31 March 2022 and for this round only, this equal distribution shall include and be made in full to consultants on the 2003 TCS who have completed a minimum of 12 months of service and who:

- are part-time consultants (less than full time (LTFT))
- are not at work by reason of sickness, including sickness or self- isolation relating to the COVID-19 pandemic
- are absent on maternity, paternity, adoption or shared parental leave
- are clinical academics employed via an honorary contract (which incorporates the terms of the Consultant Contract 2003)
- work for multiple employers (these consultants will only be eligible for a single payment from their main substantive employer)
- are employed on a fixed term basis.

This equal distribution shall be made in the form of an annual one-off, non-consolidated payment payable in 2020-2021 and 2021-2022, which shall not be pensionable.

10. New local variations to the existing LCEA schemes may be introduced by agreement with the JLNC until 31 March 2022 except that up until 31 March 2022 the following provisions shall continue to apply and cannot be varied locally:

- i. Any LCEA schemes must retain an internal appeals mechanism in line with existing processes or, where these do not exist, in line with the process set out in the amended 2012 ACCEA employer-based award guidance.
- ii. A requirement that any individual who has been awarded an existing NCEA (i.e. bronze, silver, gold, or platinum award), and whose renewal application is unsuccessful, will revert to either a Level 7 or 8 existing LCEA or will not receive an award as determined by the following existing NCEA renewal scores.

<b>Score</b>	<b>Outcome</b>
≥ 27	Revert to Level 8 LCEA
14-26	Revert to Level 7 LCEA
< 14	Full loss of award payment

These Level 7 or 8 awards will be in the form of consolidated and pensionable existing LCEA. In circumstances where the individual's score is <14, the value of the award will cease to be paid. This reversion will apply to all consultants who are in receipt of existing NCEA awarded under the national scheme as it existed on 1 April 2018, including all those who are awarded an existing NCEA subsequently until such time as the scheme has been nationally reformed.

- iii. The funding for such reversions from existing NCEA to existing LCEA in 2018-2019 will be funded from outside the 0.3 funding ratio for new LCEA applicable in respect of that year. For the years 2019-2020 to 2021-2022 the funding for such reversions will be funded from within the funding ratios for new LCEA and funding for one-off payments applicable in respect of those years as provided at paragraph 5 above.
  - iv. Other than in exceptional circumstances, such as an extended period of ill health absence, if an existing NCEA holder does not submit a renewal application, there will be no reversion to LCEA and the value of the award will be lost.
11. Any LCEA scheme and any local variation must comply with the Equality Act 2010. To the extent that any terms are unlawfully discriminatory, and no corrective local variation to the LCEA scheme can be agreed with the JLNC within six months of the date at which the issue was raised with the JLNC that removes the discriminatory effect, the employer may modify the scheme or delete the term to the minimum extent necessary to remove such discriminatory effect. Any modification to or deletion of a provision or part-provision shall not affect the validity and enforceability of the rest of the LCEA scheme.

## Arrangements from 1 April 2022

12. The following arrangements will apply to existing LCEA, new LCEA, and future LCEA.
13. Local variations to any LCEA schemes or new performance pay schemes (for future LCEAs) may be introduced by the employer in consultation with the JLNC. However, the provisions in paragraphs 14 – 20 shall continue to apply and cannot be varied locally:
14. Any future LCEA scheme must include an appeals mechanism.
15. Future LCEA will be non-consolidated and non-pensionable and will be payable for a period of up to three years, paid annually by lump sum and will not include an uplift for those undertaking additional programmed activities.
16. The minimum amount invested and paid annually in future LCEA per eligible full time equivalent (FTE) consultant within each employing organisation will be no less than the level spent on existing LCEA in 2016/17 (circa £7900 per FTE not including employer National Insurance contributions)<sup>4</sup>. The minimum amount invested in future LCEA per eligible FTE will be published in the relevant pay circular. If the existing NCEA scheme is reformed and future NCEA are of a lower value, then the costs associated with any additional payments made through employers' local performance pay schemes (as set out in paragraph 24) will be met by reallocation of the previous NCEA funding stream to the future LCEA funding stream. These costs will be met in addition to the money spent on existing LCEA in 2016/17 (for example by increasing the circa £7.9k per FTE). Award values will be subject to uplift in line with recommendations made by the DDRB that are implemented by the DHSC. For these purposes 'eligible' will be defined as substantively employed consultants with at least one year's service (on 1 April of the award year) at consultant level who do not hold a NCEA or a distinction award. Spend on local performance pay from this sum will include monies expended on:
  - i. the continued payment of consolidated existing LCEA set out in paragraph 17
  - ii. Any new LCEA of greater than one year's duration that are paid beyond April 2022
  - iii. from 1 April 2022, costs associated with the reversion mechanism for existing and future NCEA holders set out in paragraph 10(ii)
  - iv. future LCEA.

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<sup>4</sup> The per FTE minimum will be based on eligible FTE and Local CEA Scheme spend as at 1 April 2016 using data derived from the Electronic Staff Record.

17. Existing LCEA will be retained for existing LCEA award holders and these awards shall remain pensionable and consolidated but subject to the review process set out in paragraph 17. Existing LCEA holders will continue to receive uplifts when undertaking APA. Award values will be subject to uplift in line with recommendations made by the DDRB that are implemented by the DHSC. Where an individual in receipt of an existing LCEA moves to another employer to which this schedule applies and continues to work within the speciality for which the award was made, the award will continue to be paid by the new employer, subject to the provisions on change of circumstances as set out in the amended 2012 ACCEA guidance on employer-based awards. If the award holder ceases to work for any employer to which this schedule applies, they will no longer receive any award value from the date that they leave that employer.
18. Existing LCEA will be subject to a process of review, meeting the following key features.
- i. For existing LCEA 1-8, the first review will take place five years after the date of the award of a consultant's last existing LCEA point (but no earlier than 1 April 2022).
  - ii. Existing LCEA will be reviewed by employer-based awards committees or their successor using the existing (i.e. pre- 1 April 2018) 10, 6, 2, 0 ratings and according to the pre-existing (i.e. pre- 1 April 2018) five scoring domains (service delivery, service development, leadership and management, research and innovation, and teaching and training). The following scoring system will apply:

Score	Outcome
> 20	Retain award(s) at current level and will not be reviewed again for five years.
16 – 19	Retain award(s) at current level and will not be reviewed again for three years.
11 – 15	Lose one LCEA point (and its associated cash value) and reviewed again after three years.
≤ 10	Lose two LCEA points (and their associated cash value) and reviewed again after two years.

- iii. The duration of any review period will exclude time taken for maternity/paternity/adoption leave or an extended period of absence such as ill-health absence, subject to the arrangements outlined in the amended 2012 ACCEA employer-based award guidance.
19. Level 9 existing LCEA will continue to be subject to existing renewal arrangements. For 2020-2021 and 2021-2022 only, no reviews will take place during those years and the reviews will be postponed until after 1 April 2022. Level 9 existing LCEA will be subject to the same scoring mechanism as all other existing LCEA, set out in paragraph 18.
20. Reversion to existing LCEA for existing NCEA holders who are unsuccessful in their applications for renewal, as set out in paragraph 10(ii) above, will continue to apply.

Existing NCEA holders who have reverted to an existing LCEA will have these awards reviewed three years after the date of the reversion, but no earlier than April 2022. Following their reversion to an existing LCEA, the scoring system set out in paragraph 18 will apply.

### **National clinical excellence awards (NCEA)**

The provisions below apply solely to the existing NCEA scheme and any future NCEA scheme in England.

21. Consultants will continue to have access to a national reward scheme that recognises excellence at a national or regional level.
22. Apart from the arrangements set out in paragraphs 23, 24, 25 and 26 below, the Secretary of State for Health and Social Care and the DHSC will have the right, after engaging in consultation, to introduce amendments and changes to the existing NCEA scheme from and after 1 April 2021.
23. Consultants who hold an existing NCEA at any date up to 31 March 2022 will retain their existing NCEA and the associated payment will be consolidated and pensionable, subject to the 2018 ACCEA review processes and paragraph 24 below.

Arrangements under a future NCEA scheme:

24. Until the NCEA scheme is reformed, the provisions set out in paragraph 10(ii) will apply to consultants who are unsuccessful in their existing NCEA renewal application.
25. The following arrangements will apply to consultants who hold existing NCEA and submit their first renewal application or application for a future NCEA under a future NCEA scheme.

For unsuccessful applicants.

- i. if their existing NCEA is due for renewal and their application has been unsuccessful, the consultant will revert to a local CEA in line with a reversion process equivalent to that outlined in 9(ii)
- ii. if their existing NCEA is not due for renewal but the consultant has submitted an application for a future NCEA which has been unsuccessful, they retain their existing NCEA until the next renewal is due or it lapses.

For successful applicants:

- iii. if a future NCEA Scheme is introduced after 31 March 2022 with lower value awards than those currently paid under the existing NCEA scheme, the following principles will also apply to those with existing NCEAs.



- i A consultant who successfully receives an award under the future NCEA scheme for an equivalent or higher level of performance but attracting a lower value of award will receive an additional payment so that they are paid no less overall than the cash value of their existing NCEA.
- ii A consultant who receives an award under the future NCEA scheme for a lower level of performance will receive an additional payment so that they are paid no less overall than the cash value of the equivalent lower award in the existing NCEA scheme.
- iii If the additional payment provided for by paragraph 24(c)(i) or (ii) above is made through an employers' local performance pay scheme,
  - it will be met by reallocation of the previous NCEA funding stream to the future LCEA funding stream. In these circumstances, the consultant will revert to an existing LCEA (as awarded prior to 1 April 2018) of the nearest monetary value to the payment. This will not change the amount of the overall payment received.
- iv Beyond 1 April 2022, the existing LCEA component will be subject to the review mechanism outlined in paragraph 18 of this schedule. If a consultant loses one or more existing LCEA points after a review the payment will be reduced to the value of the relevant existing LCEA award.
- v The overall payment for consultants who hold an existing NCEA will be pensionable up to the value of the consultant's award in the existing NCEA scheme.

26. Where a consultant submits an unsuccessful application for a future NCEA subsequent to their first application (as outlined in paragraph 25) the consultant will revert to an existing LCEA in line with a reversion process equivalent to that outlined in 9(ii). However, any local CEA points that have been removed through the local review process outlined in paragraph 18 will be deducted from the level to which they revert. The timing of the next local review will not be affected by the new reversion.