

Pay Circular (M&D) 2/2006

Amendments to the 2003 model consultant contract

Dear Colleague,

Summary

This pay circular notifies employers of a change to the 2003 consultant model contract (England) ('contract'). A link to the amended contract is given below.

Agreement

- 1 The Joint Negotiating Committee (Seniors) has approved amendments to the contract which are detailed below.

Amendment to the contract - background

- 2 The new disciplinary framework for doctors and dentists, Maintaining High Professional Standards in the Modern NHS, was agreed by the Department of Health, the British Medical Association and the British Dental Association in February 2005 and published together with a Secretary of State Direction later that month (Directions on Disciplinary Procedures 2005).
- 3 The new procedure replaced the disciplinary procedures contained in circular HC(90)9, as well as the Special Professional Panels ('the three wise men') provided for in HC(82)13 and abolished the right of appeal to the Secretary of State held by certain practitioners under Paragraph 190 of the Terms and Conditions of Service. NHS Trusts were required to incorporate the framework into their local procedures by June 2005.
- 4 A recent High Court judgment has highlighted the need for NHS employers to take all reasonable steps to ensure that the effects of nationally negotiated collective agreements are incorporated into individual contracts of employment.

Recommended action

- 5 In the case of Maintaining High Professional Standards, employers should:
 - o write to individual medical and dental practitioners in order to notify them of the revisions to the procedure under which they would be disciplined (i.e. the employer's disciplinary procedure as amended to incorporate the Maintaining High Professional Standards Framework, following discussion and agreement with local staff representatives)

- place a copy of the notification on each individual's HR record; and,
 - issue this version of the procedure to all new medical and dental employees, including those on honorary contracts.
- 6 Employers are not required to reissue an amended contract to those consultants who have transferred, or been appointed to the contract prior to 30 June 2006, providing they have written to the individual as set out above. However, employers are asked to make use of the amended contract document for all appointments from the date of publication of the Pay Circular. Employers are also asked to use the amended contract when a consultant undergoes a change of contractual terms i.e. moves to or from a part-time contract.

Contract maintenance

- 7 There have also been a number of minor amendments made to the contract to ensure consistency of style and language.

Record of amendments

- 8 For ease of reference, all amendments which have been made to the contract 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.
- 9 Each amendment in the contract 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 changed'¹³. 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 contract and is directed to the relevant section of the record of amendments log. A link to the web page which holds the record of amendments log is given below.

Enquiries

- 10 Employees should direct personal enquiries to their employer.
- 11 Employers should direct enquiries to doctorsanddentists@nhsemployers.org

Further copies

- 11 Copies of this circular can be downloaded from: the NHS Employers website at the following web address: <http://www.nhsemployers.org/pay-conditions/pay-conditions-707.cfm>

A copy of the amended model consultant contract can be downloaded from the NHS Employers website at the following web address: <http://www.nhsemployers.org/pay-conditions/pay-conditions-348.cfm>

A copy of the amended record of amendments log can be downloaded from the NHS Employers website at the following web address: <http://www.nhsemployers.org/pay-conditions/pay-conditions-348.cfm>

Maintaining High Professional Standards in the Modern NHS framework can be downloaded from the Department of Health website at the following web address: www.dh.gov.uk/PolicyAndGuidance/HumanResourcesAndTraining/ModernisingProfessionalRegulation/DoctorsAndDentistsDisciplinaryFramework/fs/en

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 signature is written in a cursive style with a large initial 'G'.

Gill Bellord

Head of Pay and Negotiations
NHS Employers