

1 March 2014

Pay Circular (M&D) 1/2014

Additional Schedule added to the Specialty Doctor Terms and Conditions of Service (2008)

To: All employers in the NHS (England)

Cc: UK Health Departments for information/action

Summary

This pay circular notifies employers of an additional Schedule added to the Terms and Conditions of Service for Specialty Doctors – England (2008) with effect from 1 March 2014.

Agreement

- 1 The Joint Negotiating Committee (SAS) have approved amendments to the TCS which are detailed below.

Acting up Allowance

- 2 Schedule 21 of the Associate Specialist Terms and Conditions of Service (2008) has been replicated in the Specialty Doctor Terms and Conditions of Service (2008).
- 3 The new Schedule becomes Schedule 28 in the Specialty Doctor Terms and Conditions of Service and is shown at Annex A.



Action

- 4 Employers are requested to make use of the new TCS from 1 March 2014.
- 5 Copies of the amended TCS and the amended record of amendments log can be downloaded from the NHS Employers website at the following web address:
<http://www.nhsemployers.org>.
- 6 Other Health Departments should ensure that where applicable their local documentation reflects the changes detailed here.
- 7 A High Court judgment in 2006 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.

It is good practice that employers should:

- a. write to individual medical and dental practitioners in order to notify them of the revisions to their TCS; and
- b. place a copy of the notification on each individual's HR record.

Record of amendments

- 8 For ease of reference, all significant amendments made to the Terms and Conditions of Service for each grade are collated in record of amendments logs. The logs also record the Advance Letter, Pay Circular, or other reference under which amendments were issued.
- 9 Each significant amendment in the Terms and Conditions of Service for each grade 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 that wording in this paragraph has changed¹³". The number corresponds to that given to the amendment in the 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 log.

Enquiries

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

Further copies

- 12 Copies of this circular can be downloaded from: www.nhsemployers.org
- 13 Prior to the establishment of NHS Employers in November 2004 responsibility to inform the NHS of changes to pay and conditions for medical and dental staff covered by this circular rested with the Department of Health and were published in Advance Letters (Medical and Dental).



Bill McMillan

Head of Medical Pay and Workforce

NHS Employers

Annex A

New Schedule in the Terms and Conditions of Service for Specialty Doctors (2008).

Schedule 28

Acting up Allowance

1. An acting-up allowance shall be payable to a doctor who, with the approval of their employer, takes over the full range of duties and responsibilities of a consultant, subject to the following provisions:
 - a. when a consultant is absent for more than a qualifying period of fourteen days other than on annual or professional leave within the recommended standard for the senior grade, and arrangements cannot be made either for cover by other consultants or for a locum to be engaged, a doctor under these Terms and Conditions shall be paid for acting-up if the employing organisation consider it is practicable for the doctor to take over the full range of duties and responsibilities of the absent consultant without supervision;
 - b. the allowance shall be such as to bring the doctor's rate of pay to the rate of pay he or she would receive on promotion to the consultant grade;
 - c. payment of the allowance shall have effect from the first day of the qualifying period.
 - d. the rate of allowance shall be determined in accordance with the appropriate schedule in the 2003 Consultant TCS. The allowance shall include any payment for fees for lectures to non medical or non dental staff and doctors and dentists as set out in the 2003 Consultant TCS. A doctor while acting up in the consultant grade will also be entitled to the arrangements on travelling allowance and mileage as set out in the 2003 Consultant TCS;
 - e. continuity of a period of acting-up will not be broken by days on which the practitioner is not required to be on duty; continuity will normally be broken by absence on leave of any kind of more than fourteen days and a further qualifying period of fourteen consecutive days will be required after such absence. A doctor shall not act up under the arrangements set out in this schedule for a continuous period longer than 6 months.