

Pay and Conditions Circular (M&D) 2/2017

Changes to Schedule 14 Transitional Arrangements (temporary schedule) of the Terms and Conditions of Service for NHS Doctors and Dentists in Training (England) 2016

Summary

This circular informs employers of changes to Schedule 14 Transitional Arrangements (temporary schedule) of the Terms and Conditions of Service for NHS Doctors and Dentists in Training (England) 2016.

Cash floor

1. Schedule 14 Transitional Arrangements (temporary schedule) of the Terms and Conditions of Service for NHS Doctors and Dentists in Training (England) 2016 has been amended to change the calculation of the cash floor for some doctors in the Foundation Year 2 grade. These changes are published in Version 2 of the Terms and Conditions of Service for NHS Doctors and Dentists in Training (England) 2016, and shown below in Annex A.
2. The British Medical Association Junior Doctor Committee has approved this amendment.
3. This change comes in to effect from the date of this Pay and Conditions Circular.

Action

4. Employers are requested to make use of these new TCS from the date of publication.
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. A High Court judgement in 2006 highlighted the need for NHS employing organisations 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 where there is a change to national TCS employers should:
 - a. write to individuals in order to notify them of the revisions to their TCS; and
 - b. place a copy of the notification on each individuals HR record.

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Enquiries

7. Employees must direct personal enquiries to their employer. NHS Employers cannot advise on individuals' personal circumstances.
8. Employers should direct enquiries to: doctorsanddentists@nhsemployers.org.
9. Copies of this circular can be downloaded from: www.nhsemployers.org.
10. Prior to the establishment of NHS Employers in November 2004, responsibility to inform the NHS of changes to pay and allowances rested with the Department of Health. Changes were published in Advance Letters. Copies of Advance Letters going back to 2000 may be obtained from the national archives:
<http://www.webarchive.org.uk/wayback/archive/20060506120000/http://www.dh.gov.uk/PublicationsAndStatistics/LettersAndCirculars/AdvancedLetters/fs/en.html>.

For Advance Letters prior to 2000, please contact the Ministerial Correspondence and Public Enquiries Unit, Department of Health:
<http://www.info.doh.gov.uk/contactus.nsf/memo?openform>.

Issued by



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Annex A

Amendments to Schedule 14 Transitional Arrangements (temporary schedule)

Schedule 14, paragraph 11b has been amended as follows:

- 11b. for doctors described in paragraphs 4 and 5 above (other than those described in paragraph 11(c) below), the value of the banding supplement under the 2002 TCS as at 31 October 2015 for the rota on which the doctor was working on the day prior to starting work on the terms and conditions (or if the rota did not exist on 31 October 2015 the banding supplement which applied on appointment, up to a maximum banding supplement of 50 per cent (Band 1A) or, for those doctors who have opted out of the Working Time Regulations 1998 (WTR), to a maximum of Band 2A (80 per cent). Where a doctor (other than on a Foundation Programme) is working in a general practice placement on the day prior to starting work on the new terms and conditions, the GP supplement payable at the time (45 per cent) shall be used in place of any banding supplement for this purpose; or

Schedule 14, paragraph 11c has been added:

- 11c. for doctors described in paragraphs 4 and 5 above employed on 4 April 2017 on the previous (2002) terms and conditions in the Foundation 2 grade in a post not attracting a banding supplement under the 2002 terms and conditions and taking up new positions in the Foundation 2 grade under the terms of these 2016 terms and conditions on 5 April 2017, a sum equivalent in value to 40% of basic pay, in lieu of a banding supplement.

Schedule 14, paragraph 16b has been amended as follows:

- 16b. for doctors described in paragraphs 4 and 5 above (other than those described in paragraph 16(c) below), the value of the banding supplement under the 2002 TCS as at 31 October 2015 for the rota on which the doctor would have been working on, up to a maximum banding supplement of 50 per cent (Band 1A) or, for those doctors who have opted out of the WTR, to a maximum of Band 2A (80 per cent) ; or

Schedule 14, paragraph 16c has been added:

- 16c. for doctors described in paragraphs 4 and 5 above employed on 4 April 2017 on the previous (2002) terms and conditions in the Foundation 2 grade who would otherwise have been working in a post not attracting a banding supplement under the 2002 terms and conditions and who would otherwise have been taking up new positions in the Foundation 2 grade under the terms of these 2016 terms and conditions on 5 April 2017, a sum equivalent in value to 40% of basic pay in lieu of a banding supplement.