

Terms and conditions – Associate Specialist - England (2008)

Record of amendments

Amendments to the terms and conditions will normally be notified to employers via a message in the NHS Workforce Bulletin at

www.nhsemployers.org/Aboutus/Publications/workforce-bulletin/Pages/Workforce-bulletin.aspx

A revised version of the terms and conditions will be posted on the NHS Employers website at

www.nhsemployers.org/PayAndContracts/MedicalandDentalContracts/StaffAndAssociateSpecialistDrs/Pages/Keydocuments1.aspx

	Schedule no.	Amendment	Date amended	Circular number
1	17	<p>Paragraph 27</p> <p>Replace</p> <p><i>An absence due to injury sustained by a doctor in the actual discharge of his or her duty, for which the doctor was not liable, shall not be recorded for the purposes of these provisions.</i></p> <p>With</p> <p><i>a. An absence due to injury sustained by a doctor in the actual discharge of his or her duty, for which the doctor was not liable, shall not be recorded for the purposes of these provisions.</i></p> <p><i>b. The Injury Allowance provisions will apply as set out in Section 22 of the NHS Terms and Conditions of Service Handbook, and should be read alongside the accompanying guidance issued by NHS Employers.</i></p>	31 March 2013	PC(M&D) 2/2013
2	19	Replace	31 March 2013	PC(M&D) 2/2013

		<p>NB – Information on the new doctor’ and dentist’ disciplinary framework can be found at: http://www.dh.gov.uk/PublicationsAndStatistics/Publications/PublicationsPolicyAndGuidance/PublicationsPAndGBrowsableDocument/fs/en?CONTENT_ID=4103418&chk=UVbdwG</p> <p>With</p> <p>NB – Information on the new doctor’ and dentist’ disciplinary framework can be found at: http://www.nhsemployers.org/EmploymentPolicyAndPractice/disciplinary-procedures/Pages/NewDisciplinaryProcedures-Overview.aspx</p>																																						
3	20	<p>Annex A</p> <p>Replace</p> <p>Allowances and Charges for Private Use</p> <p><u>Table 1: Mileage Allowances</u></p> <p>NB These rates will be updated from time to time by the employing organisation.</p> <p>1 Public transport rate: 23p per mile</p> <p>2 Regular user rates:</p> <table border="1"> <thead> <tr> <th colspan="6">Motor Cars:</th> </tr> <tr> <th>Engine Capacity</th> <th>Cc</th> <th>501 to 1000</th> <th>1,001 to 1,500</th> <th>1,501 to 2,000</th> <th>Over 2,000</th> </tr> </thead> <tbody> <tr> <td>Lump Sum</td> <td>(£)</td> <td>399.00</td> <td>475.00</td> <td>580.00</td> <td>580.00</td> </tr> <tr> <td>Up to 9,000 miles</td> <td>(p)</td> <td>27.0</td> <td>33.5</td> <td>40.0</td> <td>40.0</td> </tr> <tr> <td>9,001 – 15,000 miles</td> <td>(p)</td> <td>16.5</td> <td>19.7</td> <td>22.7</td> <td>25.5</td> </tr> <tr> <td>Thereafter</td> <td>(p)</td> <td>16.2</td> <td>18.3</td> <td>20.5</td> <td>20.5</td> </tr> </tbody> </table> <p>3 Standard rates:</p>	Motor Cars:						Engine Capacity	Cc	501 to 1000	1,001 to 1,500	1,501 to 2,000	Over 2,000	Lump Sum	(£)	399.00	475.00	580.00	580.00	Up to 9,000 miles	(p)	27.0	33.5	40.0	40.0	9,001 – 15,000 miles	(p)	16.5	19.7	22.7	25.5	Thereafter	(p)	16.2	18.3	20.5	20.5	31 March 2013	PC(M&D) 2/2013
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<i>Engine Capacity</i>	<i>Cc</i>	<i>501 to 1000</i>	<i>1,001 to 1,500</i>	<i>1,501 to 2,000</i>	<i>Over 2,000</i>
<i>Up to 3,500 miles</i>	<i>(p)</i>	<i>34.0</i>	<i>43.0</i>	<i>53.0</i>	<i>53.0</i>
<i>3,501 – 9,000 miles</i>	<i>(p)</i>	<i>23.0</i>	<i>28.2</i>	<i>33.5</i>	<i>41.0</i>
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<i>Thereafter</i>	<i>(p)</i>	<i>16.2</i>	<i>18.3</i>	<i>20.5</i>	<i>20.5</i>

4 *Other Motor vehicles:*

<i>Engine Capacity</i>	<i>(cc)</i>	<i>Up to 125</i>	<i>Over 125</i>
<i>Up to 5,000 miles</i>	<i>(p)</i>	<i>16.2</i>	<i>25.3</i>
<i>Over 5,000</i>	<i>(p)</i>	<i>6.1</i>	<i>9.0</i>

5 *Passenger allowance:*

Each passenger: 2p per mile

6 *Pedal cycles: 6.2p per mile*

Table 2: Lease Cars Charges for Private Use of Allocated Lease Cars

NB *These rates will be updated from time to time by the employing organisation*

A. *The current rates of:* £

Road Fund Licence e.g. 55

*Insurance for Private Use**

		<p>(National call-off contract) e.g. 88</p> <p>Including cover for private use: e.g. 28</p> <p>Handling charge 95</p> <p>B. Fixed Annual Charge per 1,000 private miles (for each year of the contract or notional contract), determined as follows:</p> <p style="text-align: center;"> $\frac{(\text{Cost of Contract Hire at } \text{)} \text{ } \text{ } (\text{Cost of Contract Hire at } \text{)}}{(\text{maximum quoted mileage}) \text{ } (\text{minimum quoted mileage})}$ 1000 </p> <p>Plus total excess costs for non-base vehicle, where appropriate.</p> <p>Plus VAT on total charge to doctor (A+B).</p> <p>NB: Where the cost to the employing organisation of hiring the car includes Road Fund Licence and/or Insurance, these items should be extracted and the net cost used in calculating the charge per 1,000 miles.</p> <ul style="list-style-type: none"> Lease Cars, while used solely on NHS business, do not require to be taxed or insured for the purposes of the Road Traffic Act 1972; any private mileage requires that the vehicle be taxed and insured. <p>With</p> <p>Transport Fees and Allowances</p> <p>Please see the latest Pay Circular which deals with pay and conditions of service of hospital medical and dental staff and doctors in public health medicine and the community health service. This is available on the NHS Employers website at www.nhsemployers.org/PayAndContracts/Pay%20circulars/Pages/PayCirculars.aspx</p>		
4	22	Paragraph 65	31 March 2013	PC(M&D) 2/2013

		<p>Replace</p> <p><i>There are occasions when employees are entitled to other statutory benefits/allowances and Information about all statutory maternity/adoption and paternity rights can be found using the following links:</i></p> <p><i>http://www.dti.gov.uk/employment/workandfamilies/maternity-leave-pay/guidance/page21116.html</i></p> <p><i>http://www.dwp.gov.uk/lifeevent/benefits/statutory_maternity_pay.asp</i></p> <p><i>http://jobcentreplus.gov.uk/JCP/Customers/WorkingAgeBenefits/Dev_008115.xml.html</i></p> <p><i>Information about Health and Safety for new and expectant mothers at work can be found using the following link:-</i></p> <p><i>www.hse.gov.uk</i></p> <p>With</p> <p><i>There are occasions when employees are entitled to other statutory benefits/allowances and information about all statutory maternity/adoption and paternity rights can be found using the following link:</i></p> <p><i>https://www.gov.uk/employers-maternity-pay-leave</i></p> <p><i>Information about Health and Safety for new and expectant mothers at work can be found using the following link:</i></p> <p><i>www.hse.gov.uk</i></p>		
5	23	<p>End of paragraph 22</p> <p>Insert</p>	31 March 2013	PC(M&D) 2/2013

		<i>This will include consideration of diversity data.</i>		
6	24	End of paragraph 1 Delete <i>It further sets out transitional arrangements from 1 December 2006 to 30 September 2011 for staff aged over 50 at the time of redundancy who are members of the NHS Pension scheme with at least five year's pensionable service.</i>	31 March 2013	PC(M&D) 2/2013
7	24	Paragraph 10 Delete footnote at end of last bullet <i>± Subject to consultation, for those who are in the new pension scheme (with a normal pension age of 65), minimum pension age will be 55 from when the scheme is set up</i>	31 March 2013	PC(M&D) 2/2013
8	24	Last bullet from paragraph 14 converted to paragraph 15 and subsequent paragraphs renumbered	31 March 2013	PC(M&D) 2/2013
9	24	End of paragraph 24 Replace <i>Comma</i> With <i>Full stop</i>	31 March 2013	PC(M&D) 2/2013
10	24	End of paragraph 26 Replace <i>Employers will need to ensure that they exercise this discretion appropriately and will be conscious of the implications of any potential discrimination on grounds of age, sex, race, religion or disability.</i>	31 March 2013	PC(M&D) 2/2013

		<p>With</p> <p><i>Employers will need to ensure that they exercise this discretion appropriately and will be conscious of the implications of any potential discrimination on grounds of age, gender, gender identity or gender expression, pregnancy or maternity, marriage or civil partnership, race, religion or belief, disability, or sexual orientation.</i></p>		
11	24	<p>End of paragraph 27</p> <p>Insert</p> <p><i>, including reasonable adjustments to an existing role or potential suitable alternatives</i></p>	31 March 2013	PC(M&D) 2/2013
12	24	<p>Paragraphs 30 - 43</p> <p>Delete</p> <p>Transitional Arrangements: 1 October 2006 to 30 September 2011</p> <p><i>29. There will be transitional arrangements in place from 1 December 2006 to 30 September 2011. These transitional arrangements apply to staff:</i></p> <ul style="list-style-type: none"> <i>• whose continuous NHS service and/or pension scheme membership began before 1 October 2006</i> <i>• who are aged over 50 on 30 September 2006 or who reach 50 during the transition period: 1 October until 30 September 2011; (after 6 April 2010 subject to the rules on minimum pension age set out in paragraph 10)</i> <i>• who are members of the NHS Pension scheme and have at least five years qualifying membership in the scheme at the date of redundancy.</i> <p><i>30. Employees who are made redundant and qualify for transitional protection can choose between a redundancy payment under the new arrangements and payment under transitional protection. The transitional arrangements for early retirement (but not the redundancy payment) will also apply to staff given early retirement in the interests of the service and who meet the qualifying conditions in paragraph 29.</i></p>	31 March 2013	PC(M&D) 2/2013

31. *Transitional protection has two phases. The first phase applies from 1 December 2006 to 30 June 2007. During this phase, the maximum pension that an employee can receive on taking redundancy retirement is that to which they would have been entitled had they been made redundant under the old agreement on 30 September 2006.*

32. *The second phase is from 1 July 2007 to 30 September 2011. During this phase, as well as freezing the maximum enhanced pension at that which would have been available on 30 September 2006, there will be a further reduction so that all enhancements are removed by 30 September 2011.*

33. *The date used to calculate the level of both final pensionable pay and of salary for redundancy payment under the transition will be set by reference to the actual date of redundancy.*

Calculation of Baseline Entitlement during Transition

34. *For employees taking advantage of the transitional arrangements, and subject to a maximum of 20 years' reckonable service being counted, the lump sum redundancy payment will be calculated based on the arrangements in place before 1 October 2006 as follows. Based on service at 30 September 2006:*

- *1 1/2 week's pay for each complete year of reckonable service at age 41 or over*
- *one week's pay for each complete year of reckonable service at age 22 or over but under 41*
- *1/2 week's pay for each complete year of reckonable service at age 18 or over but under 22*
- *overall maximum 30 week's pay.*

35. *Fractions of a year of reckonable service will not be taken into account except that they may be aggregated under paragraph 34 above to make complete years. The lowest weeks' pay multiplier relevant to the employee's calculation will apply to the complete year aggregated.*

Reduction to Baseline Entitlement

36. *Redundant employees who are entitled to an enhancement of their pension benefits on ceasing to be employed will, if the enhancement of service if they had been made redundant on 30 September 2006 is less than 10 years, be entitled to receive a redundancy payment. Where the enhancement of service does not exceed 6 2/3 years they will be paid in full; where the enhancement of service exceeds 6 2/3 years they will be reduced by 30 per cent in respect of each year of enhanced service over 6 2/3 years with pro-rata reduction for part years.*

37. *The redundancy payment made under these transitional arrangements will be based on the number of week's service applicable for a redundancy on 30 September 2006 along with the reduction for enhancement greater than 6 2/3 years that would have been made had the redundancy taken place on that date. If there has been a break in continuous service between 1 October 2006 and the date of redundancy, then the payment would be based on the number of years continuous service at the date of redundancy.*

38. *As a baseline calculation for transitional protection all employees eligible for premature payment of pension and compensation benefits under the terms of this agreement on transition shall have their reckonable years in the NHS scheme at 30 September 2006 doubled subject to a maximum enhancement of ten added years. Total reckonable years (including enhancements) will in all cases be limited to the lesser of:*

- *the total reckonable service that would have been attained by continuing in service to retirement age; or*
- *40 years; provided that:*
- *the enhancement of reckonable service for employees with relevant optant service shall be based on the aggregate of their reckonable NHS service and their relevant optant service.*

Transition Phase One: 1 October 2006 to 30 June 2007

39. *For redundancies from 1 October 2006 until 1 December 2006, when the regulations to give effect to the transition are introduced, employees will receive enhanced pension based on the pre 1 October arrangements including the calculation of redundancy payment.*

40. *From 1 December 2006 to 30 June 2007, the enhancement that the employee will be eligible to receive will be the enhancement on which the pension would have been based had*

		<p><i>they been made redundant on 30 September 2006, less the number of days since 30 September 2006. For those who have any part time membership, the reduction in enhancement will be scaled down according to the scaling factor applicable at 30 September 2006.</i></p> <p>Transition Phase Two: 1 July 2007 to 30 September 2011.</p> <p>41. <i>During this phase, maximum enhancement available to the employee made redundant will continue to be the enhancement available on 30 September 2006 less the number of days since 30 September 2006. There will be a further reduction in entitlement to enhancement. For those whose enhancement on 30 September 2006 would have been greater than five years, the additional amount of service enhancement over five years should be reduced by 1/60th for each whole month that has elapsed between 30 September 2006 and the date of redundancy. The effect of the two transition elements together is that after each year of transition, the maximum enhancement would be reduced by two years until no enhancement is available from 1 October 2011.</i></p> <p>42. <i>Paragraphs 29 to 42 will be removed from this agreement on 1 October 2011.</i></p>		
13	25	<p>Paragraph 5</p> <p>Replace</p> <p><i>Dependant care covers a range of options to meet the needs of dependant adults, where an employee is involved in substantial and regular care sufficient for them to seek a change in their permanent contract of employment.</i></p> <p>With</p> <p><i>Dependant care covers a range of options to meet the needs of dependent adults including the needs of dependent young people over the age of 14, where an employee is involved in substantial and regular care sufficient for them to seek a change in their permanent contract of employment.</i></p>	31 March 2013	PC(M&D) 2/2013
14	25	<p>Paragraph 7</p> <p>Replace</p>	31 March 2013	PC(M&D) 2/2013

		<p><i>Where a decision is taken not to offer particular forms of childcare, the policy should indicate where other arrangements are available to support people with childcare responsibilities, and what alternative ways of working exist.</i></p> <p>With</p> <p><i>Where a decision is taken not to offer particular forms of support, the policy should indicate where other arrangements are available to help people with caring responsibilities, and what alternative ways of working exist.</i></p>		
15	26	<p>Paragraph 2</p> <p>Replace</p> <p><i>Employers are required to consider flexible working options as part of their duty to make reasonable adjustments for disabled staff and job applicants under the Disability Discrimination Act, and staff returning from maternity leave (see Schedule 21).</i></p> <p>With</p> <p><i>Employers are required to consider flexible working options as part of their duty to make reasonable adjustments for disabled staff, staff with dependants and job applicants applications under the Equality Act, and staff who are returning from maternity leave (see Schedule 21).</i></p>	31 March 2013	PC(M&D) 2/2013
16	27	<p>Paragraph 4</p> <p>Replace first sentence</p> <p><i>A dependant is someone who is married to, or is a partner or civil partner, "a near relative" or someone who lives at the same address as the employee.</i></p> <p>With</p> <p><i>A dependant is someone who is married to, is a civil partner, or a partner (whether opposite or same sex), "a near relative" or someone who lives at the same address as the employee.</i></p>	31 March 2013	PC(M&D) 2/2013

17	27	<p>Paragraph 5</p> <p>Replace first sentence</p> <p><i>This should be a separate provision from either maternity or maternity support leave and should provide an untransferable individual right to at least 13 weeks' leave (18 weeks if child is disabled).</i></p> <p>With</p> <p><i>This should be a separate provision from either maternity or maternity support leave and should provide a non-transferable individual right to at least 18 weeks' leave.</i></p>	31 March 2013	PC(M&D) 2/2013
18	27	<p>Paragraphs 11 to 17</p> <p>Replace</p> <p><i>Maternity Support (Paternity) Leave and Pay and Ante-Natal Leave</i></p> <p>11. <i>This will apply to biological and adoptive fathers, nominated carers and same sex partners.</i></p> <p>12. <i>There will be an entitlement to two weeks' occupational maternity support pay. Full pay will be calculated on the basis of the average weekly earnings rules used for calculating occupational maternity pay entitlements. The employee will receive full pay less any statutory paternity pay receivable. Only one period of occupational paternity pay is ordinarily available when there is a multiple birth. However, NHS organisations have scope for agreeing locally more favourable arrangements where they consider it necessary, or further periods of unpaid leave.</i></p> <p>13. <i>Eligibility for occupational paid maternity support pay will be twelve months' continuous service with one or more NHS employers at the beginning of the week in which the baby is due. More favourable local arrangements may be agreed with staff representatives and/or may be already in place.</i></p>	31 March 2013	PC(M&D) 2/2013

14. *Local arrangements should specify the period during which leave can be taken and whether it must be taken in a continuous block or may be split up over a specific period.*
15. *An employee must give his or her employer a completed form SC3 "Becoming a Parent" at least 28 days before they want leave to start. The employer should accept later notification if there is good reason.*
16. *Reasonable paid time off to attend ante-natal classes will also be given.*
17. *All employees are entitled to two weeks maternity support leave. Employees who are not eligible for occupational maternity support pay may still be entitled to Statutory Paternity Pay (SPP) subject to the qualifying conditions. The rate of SPP is the same as for Statutory Maternity Pay (SMP).*

With

Maternity Support (Paternity) Leave and Pay and Ante-Natal Leave

11. *This will apply to the father of the child (including adoptive fathers), the mother's husband or partner (whether opposite or same sex), or nominated carer.*
12. *NHS organisations have scope for agreeing locally more favourable arrangements where they consider it necessary, or further periods of unpaid leave.*

Maternity support (paternity) leave

13. *All employees are entitled to two weeks' of ordinary maternity support (paternity) leave which can be taken around the time of the birth or the placement of the child for adoption.*
14. *In addition, employees may be entitled to take up to twenty six weeks of additional maternity support (paternity) leave if their partner has returned to work, the leave can be taken between 20 weeks and one year after the child is born or placed for adoption.*

15. To qualify for additional maternity support (paternity) leave the employee and their partner must first meet certain qualification criteria. Details of the qualifying conditions and the notification requirements can be found at (<http://www.direct.gov.uk/en/employment/index.htm>)

Occupational pay during maternity support (paternity) leave

16. There will be an entitlement to two weeks' occupational ordinary maternity support (paternity) pay. Full pay will be calculated on the basis of the average weekly earnings rules used for calculating occupational maternity pay entitlements. The employee will receive full pay less any statutory paternity pay receivable. Only one period of occupational maternity support (paternity) pay is ordinarily available when there is a multiple birth.

17. Eligibility for the two weeks of occupational maternity support (paternity) pay will be 12 months' continuous service with one or more NHS employer at the beginning of the week in which the baby is due.

18. Employees who are not eligible for the two weeks of occupational maternity support (paternity) pay may still be entitled to statutory paternity pay subject to meeting the qualifying conditions. Details of the qualifying conditions can be found at <http://www.direct.gov.uk/en/employment/index.htm>

Statutory pay during maternity support (paternity) leave

19. To qualify for statutory pay in the additional maternity support (paternity) leave period, the employee and their partner must first meet certain qualifying conditions. Details of the criteria and the notification requirements can be found at <http://www.direct.gov.uk/en/employment/index.htm>

Rights during additional maternity support (paternity) leave

20. Employees who are entitled to additional maternity support (paternity) leave/pay will be entitled to take up to 10 keeping in touch days during the course of the additional maternity support (paternity) leave period. The criteria for keeping in touch days is set out in Schedule 22 and is based on those used for statutory maternity leave and pay.

		<p>21. <i>Employees who have taken additional maternity support (paternity) leave will have the right to return to the same job under their original contract and on no less favourable terms and conditions.</i></p> <p>Ante-natal leave</p> <p>22. <i>Reasonable paid time off to attend ante-natal classes will also be given.</i></p> <p>Renumber paragraphs 18 onwards.</p>		
19	22	<p>Paragraph 49 to 50</p> <p>Replace</p> <p>'Accrual of annual leave'</p> <p>49. Annual leave will continue to accrue during maternity leave, whether paid or unpaid, provided for by this agreement.</p> <p>50. Where the amount of accrued annual leave would exceed normal carry over provisions, it may be mutually beneficial to both the employer and employee for the employee to take annual leave before and/or after the formal (paid and unpaid) maternity leave period. The amount of annual leave to be taken in this way, or carried over, should be discussed and agreed between the employee and employer. Payment in lieu may be considered as an option where accrual of annual leave exceeds normal carry over provisions.</p> <p>With</p> <p>'Annual leave and public holidays'</p> <p>49. Employees on paid and unpaid maternity leave retain their right to the annual leave and public holidays provided by Schedule 17.</p> <p>50. Where unused annual leave and public holidays exceed local provisions for carry over to the next leave year it may be beneficial to the employer and employee for the employee to take the unused annual leave and public holidays before and/or after the agreed (paid and unpaid)</p>	1 April 2018	PC(M&D) 2/2018

		maternity leave period. The amount of annual leave and public holidays to be taken in this way, or carried over, should be discussed and agreed between the employee and 5 Pay Circular (M&D) 2/2018 employer. Payment in lieu may be considered as an option where accrual of annual leave and public holidays exceeds normal carry over provisions.		
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Pay and Negotiations Team

NHS Employers

April 2018