

9 June 2022

Pay and Conditions Circular (M&D) 2/2022

Changes to Terms and Conditions of Service for Specialty Doctors and Specialists on the 2021 terms and conditions of service

Summary

This pay circular notifies employers of changes to the following documents with effect from 9 June 2022:

2021 Terms and Conditions of Service for Specialty Doctors
2021 Terms and Conditions of Service for Specialists

Agreement

1. The Joint Negotiating Committee (SAS) has approved changes to the TCS which are detailed below.

Right to transfer to the 2021 Specialty Doctor Terms and Conditions of Service

2. Doctors on the 2008 Specialty Doctor grade, Staff Grades, Clinical Medical Officers, Senior Clinical Medical Officers, Hospital Practitioners and Clinical Assistants have the contractual right to transfer to the 2021 specialty doctor contract during any time in their employment.

Pay progression for doctors on the 2021 Specialty Doctor Terms and Conditions of Service

3. There is a change in terminology to refer to pay scale codes rather than pay points regarding pay progression.

Termination of employment for doctors on the 2021 Specialty Doctor Terms and Conditions of Service and the 2021 Specialist Terms and Conditions of Service

4. The redundancy provisions are updated to align with Section 16 of the NHS Terms and Conditions of Service.

Action

5. Employers are asked to make use of the amended contract documents for all appointments from the date of publication of the Pay Circular. Employers are also asked to use the amended contracts when a doctor undergoes a change of contractual terms i.e., moves to or from a part-time contract.
6. Copies of the amended TCS can be downloaded from the NHS Employers website at the following web address: <http://www.nhsemployers.org>
7. NHS employing organisations need 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 individual's HR record.
8. Employers are not required to reissue an amended contract to those individuals who have transferred, or been appointed to their contract prior to 9 June 2022, 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.

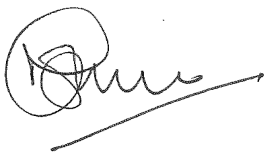
Enquiries

9. Employees must direct personal enquiries to their employer. NHS Employers cannot advise on individuals' personal circumstances.
10. Employers should direct enquiries to: doctorsanddentists@nhsemployers.org.
11. Copies of this circular can be downloaded from: www.nhsemployers.org.
12. 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 and Social Care. 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>

13. For Advance Letters prior to 2000, please contact the Department of Health and Social Care: <https://contactus.dhsc.gov.uk/>

Issued by

A handwritten signature in black ink, appearing to read 'Paul Wallace', with a long horizontal stroke extending to the right.

Paul Wallace
Director of Employment Relations and Reward
NHS Employers

Annex

Doctors employed under the 2021 Terms and Conditions of Service for Specialty Doctors

Right to transfer to the 2021 Specialty Doctor Terms and Conditions of Service

The following new wording is inserted into the Schedule 20 of the Specialty Doctor terms and conditions.

Section 1 - applicable from 9 June 2022

Eligibility

1. The following arrangements shall apply to doctors on National Terms and Conditions of Service in the 2008 Specialty Doctor grades, staff grades, CMOs, SCMOs, HPs and CAs who may transfer to the 2021 Specialty Doctor contract and these Terms and Conditions of Service subject to the process below.
2. Doctors may opt to remain on their existing contract and terms and conditions of service without detriment.
3. This schedule shall not apply to doctors who are employed on local contracts and terms and conditions as opposed to the national contracts and terms and conditions listed in paragraph 1.

Transfer process

4. The process to transfer to these Terms and Conditions of Service as set out in paragraphs 4 (a) to (e) shall apply from 9 June 2022:
 - a. The eligible doctor may confirm their interest in transferring to these Terms and Conditions of Service (“an Expression of Interest”) at any time. An Expression of Interest shall not be legally binding nor shall it oblige the doctor to transfer to these Terms and Conditions of Service, but it shall signify that the doctor wishes to commence the job planning process in good faith and in the expectation of transferring;
 - b. The employing organisation and the doctor shall then undertake the job planning process as set out in Schedule 4. Following the completion of this process, the employing organisation will offer the doctor a Job Plan and salary package in writing (“the Offer”);
 - c. Following the Offer, the doctor has 21 days within which to accept or decline the Offer in writing;
 - d. If the Offer is accepted, transfer to these Terms and Conditions of Service will be from when the mutually agreed Job Plan comes into effect;

e. Where it has not been possible to agree a Job Plan the doctor shall have access to the provisions for mediation and appeal as set out in Schedule 5 which will finalise the Job Plan prior to the doctor making a final decision on transferring to these Terms and Conditions of Service.

Agreeing the revised Job Plan

5. The job planning process should commence no later than one month following the Expression of Interest and be completed within three months.

Salary on transfer

6. The salary of a doctor transferring to these Terms and Conditions will be determined subject to paragraphs 4 – 8 in Schedule 12. The date of effect for the salary shall be the date the mutually agreed Job Plan comes into effect. The doctor will not be eligible for any backdating of salary.

7. In the event of any disagreement between the doctor and their employing organisation regarding the doctor's entitlement to pay progression, the doctor may submit a grievance to the employing organisation in accordance with local procedures.

Section 2 – arrangements applicable from 1 April 2021 to 8 June 2022 only

8. The previous transitional arrangements which are now set out at paragraphs 8 - 20 of section 2 of this schedule applied to Expressions of Interest raised from 1 April 2021 to 30 September 2021 only (the "choice window"). From 1 October 2021 to 8 June 2022 any transfer to these Terms and Conditions of Service was at the discretion of the employer.

The following new wording is inserted into the Schedule 20 of the Specialty Doctor terms and conditions.

Review of provisions

21. The requirement to retain section 2 provisions will be reviewed by the BMA and NHS Employers by 31 October 2022 and subsequently removed where the parties jointly agree through the JNC(SAS) that these provisions are no longer required.

Pay progression for doctors employed under the 2021 Terms and Conditions of Service for Specialty Doctors

Schedule 13 of the Specialty Doctor terms and conditions is changed.

Paragraph 1 of Schedule 13 is:

1. The grade is made up of five pay points. Doctors will be expected to spend a minimum of three years on each pay point and evidence the criteria set out in paragraph 4 below before moving to the next pay point. In order to move from pay point three to four, doctors will be required to pass through the higher threshold outlined in paragraph 8.

It is changed to:

1. The grade is made up of five pay points. Doctors will be expected to spend a minimum of three years on each pay point and evidence the criteria set out in paragraph 4 below before moving to the next pay point. In order to move from pay point MC75-09 to MC75-10, doctors will be required to pass through the higher threshold outlined in paragraph 8.

Termination of employment for doctors employed under the 2021 Terms and Conditions of Service for Specialty Doctors and the 2021 Terms and Conditions of Service for Specialists

Schedule 16 of both the Specialty Doctor and the Specialist terms and conditions is changed.

Paragraph 9 of both is:

9. If a doctor's employment is terminated because of redundancy (within the meaning of Section 139 of the Employment Rights Act 1996, or the circumstances described in temporary schedule 23 of these Terms and Conditions of Service) then provided that they have two years or more continuous service, entitlement to redundancy will be in accordance with temporary schedule 23 of these Terms and Conditions of Service.

It is changed to:

9. If a doctor's employment is terminated because of redundancy (within the meaning of Section 139 of the Employment Rights Act 1996, or the circumstances described in Section 16 of the NHS Terms and Conditions of Service Handbook) then provided that they have two years or more continuous service, entitlement to redundancy will be in accordance with Section 16 of the NHS Terms and Conditions of Service Handbook