

19 September 2025

Pay and Conditions Circular (M&D) 4/2025

Amendments to exception reporting which will come into effect on **4 February 2026**

Doctors and Dentists in Training Terms and Conditions (England) 2016

To: all employers in the NHS in England

Summary

This circular gives employers in the NHS in England advance notice of forthcoming changes **(which will take effect on 4 February 2026)** to:

Doctors and Dentists in Training- Terms and Conditions (England) 2016

- Schedule 2 – Arrangements for Pay
- Schedule 5 - Exception reporting and work schedule reviews
- Schedule 6 – Guardian of safe working hours
- Annex D- A new annex, setting out the sign off process for exception reporting and access to an individual doctor's exception reporting data

Agreement

1. The British Medical Association (BMA), the Department of Health and Social Care (DHSC), and NHS Employers have approved prospective amendments to the Terms and Conditions of Service, as detailed below.
2. The revised Terms and Conditions of Service set out in this circular will come into effect for all employers from **4 February 2026** and will be published as version 13. Until that date version 12 will remain in place, as per Pay and Conditions Circular (Medical & Dental) 3/2025.

Provisions that will change

Prior to its effective date, version 13 of the Terms and Conditions of Service can be viewed at [\[link\]](#). It contains the following changes:

3. **Schedule 2:** Pay in exceptional circumstances to secure patient safety is amended. Changes include the doctor's choice of payment or TOIL for additional hours worked and the inclusion of non-resident-on-call in the process for exception reports under 2 hours.

4. **Schedule 5** has been updated to reflect the new arrangements for exception reporting. Key changes include:
- timeframe for exception reports to be submitted by the doctor, which is extended to 28 days.
 - mandatory input fields required when submitting an exception report and the categories associated with the reasons for exception reporting.
 - additional fines for access and completion and information breaches
 - information on the fund allocation for fines, these will be central funds and departmental/geographical funds. There will be further information on how these funds can be spent.
5. **Schedule 6** has been updated with the changes to the guardian role and reporting as a result of the exception reporting reforms. Key changes include:
- Alternate arrangements when an organisation is unable to appoint to the Guardian of safe working hours role.
 - A requirement for the Guardian of safe working hours to oversee quarterly surveys of breach of 'access and completion', 'information breach' and actual or threatened detriment.
 - A requirement for the Guardian of safe working hours to have access to all exception reports and review and scrutinise exception reporting patterns to ensure reports are accurate, valid and adhere to the purpose of exception reporting.
 - Additional board reporting requirements which will be to a standardised national template.
6. **Annex D** has been added and sets out the process for responding to an exception report and access to an individual doctor's exception reporting data. Key changes include:
- A process for HR sign off which will occur for all exception reports related to additional hours worked below 2 hours.
 - A clarification stage if information required for HR sign off is inaccurate or absent.
 - An escalation to a Guardian of safe working hours review stage.
 - A process for exceptions reports relating to educational opportunities which will be reviewed by the DME.
 - Management of time off in lieu related to exception reports.
 - Information on how an individual doctor's exception reporting data can be accessed and the confidentiality of exception reporting data which can be subject to an information breach fine.

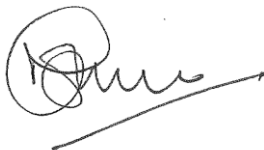
Action

8. Employers are requested to review the amended provisions and guidance to prepare for implementation of the exception reporting changes in their organisation. The changes will take effect from **4 February 2026**.
9. When version 13 of the TCS comes into effect, it will be published on the main TCS page and a further pay circular will be issued. Until that date, version 12 will remain in effect except where earlier introduction of the new provisions is locally agreed.
10. The latest date of full implementation of these reforms for every employer and under any circumstance will be 4 February 2026. NHS England, NHS Employers and the BMA will encourage employers to be identified as early adopters and implement the changes locally by 31 December 2025.

Enquiries

10. Employees must direct personal enquiries to their employer. NHS Employers cannot advise on individuals' personal circumstances.
11. Employers should direct enquiries to: doctorsanddentists@nhsemployers.org.
12. Copies of this circular, and other medical and dental pay circulars from 2005 onwards, 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 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>
14. For Advance Letters prior to 2000, please contact the Department of Health and Social Care: dhsc.publicenquiries@dhsc.gov.uk

Issued by



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