

30 July 2007

# Pay Circular (M&D) 5/2007

## Pay and conditions for hospital medical and dental staff, doctors in public health medicine and the community health service

To: All NHS employers

### Summary

This pay circular notifies employers of changes in respect of maternity leave and pay arrangements, parental and carers leave provisions and flexible working arrangements from 1 April 2007 to the Hospital Medical and Dental Staff, Doctors in Public Health Medicine and the Community Health Service (2002) Terms and Conditions of Service (TCS) and the Terms and Conditions – Consultants (England) 2003.

### Agreement

- 1 The NHS Staff Council has approved changes to the maternity, maternity support, adoption leave and pay arrangements, parental and carers leave and flexible working arrangements to take account of the improvements to the statutory regulations introduced by the Work and Families Act from April 2007.
- 2 Agreement has been reached to revise the maternity leave and pay arrangements laid down in Temporary Appendix VI (i) of the Hospital Medical and Dental Staff and Doctors in Public Health Medicine and the Community Health Service (England and Wales) TCS (2002) and Temporary Schedule 24 of the Terms and Conditions – Consultants (England) 2003.
- 3 Agreement has also been reached to incorporate provisions relating to adoption leave and pay arrangements, parental and carers leave and flexible working arrangements into both TCS on a temporary basis.
- 4 The Joint Negotiating Committee (Seniors), Joint Negotiating Committee (Juniors) and the Staff and Associate Specialist Negotiating Committee have approved amendments, detailed in Annex A to this Circular, to the relevant TCS.

### Action/Effective date of changes

- 5 Employers should implement, and where necessary, retrospectively apply the new arrangements in full with effect from 1 April 2007.
- 6 The revised arrangements apply:
  - In respect of maternity to all employees whose expected week of childbirth begins on or after 1 April 2007;

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working on behalf of the 



- In respect of adoption where an adoption agency notifies the adopter of a match with a child on or after 1 April 2007.
- 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.
- 8 It is good practice that employers should:
- write to individual medical and dental practitioners in order to notify them of the revisions to their TCS; and
  - place a copy of the notification on each individual's HR record.

### Record of amendments

- 9 For ease of reference, all significant amendments made to the TCS and to the Terms and Conditions – Consultants (England) 2003 are collated in record of amendments logs. The logs also record the Advance Letter, Pay Circular, or other reference under which amendments were issued.
- 10 Each significant amendment in the TCS and in the Terms and Conditions – Consultants (England) 2003 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 changed<sup>13</sup>”. 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. Links to the records of amendments are given in Annex A to this Circular.
- 11 Employers should direct enquiries to: [doctorsanddentists@nhsemployers.org](mailto:doctorsanddentists@nhsemployers.org)
- 12 Employees should direct personal enquiries to their employer.

### Further copies

- 13 Copies of this circular can be downloaded from: [www.nhsemployers.org](http://www.nhsemployers.org)



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### Changes to Terms and Conditions of Service

Doctors employed under National Health Service Hospital Medical and Dental Staff and Doctors in Public Health Medicine and the Community Health Service (England and Wales) Terms and Conditions of Service

#### Temporary Appendix VI (i) – Maternity Leave and Pay

- 1 Agreement has been reached to revise the maternity leave and pay arrangements and these can be found in Temporary Appendix VI (i) of the TCS.

#### Temporary Appendix VI (iv, v and vi) – Caring for Children and Adults, Flexible Working Arrangements and Balancing Work and Personal Life

- 2 Agreement has been reached to incorporate more favourable arrangements for Caring for Children and Adults (VI (iv)), Flexible Working Arrangements (VI (v)) and Balancing Work and Personal Life (VI (vi)). These arrangements mirror those for non-medical NHS staff. The arrangements were formerly based on parts of General Council Conditions of Service Section 7 agreements which have been superseded. They have been inserted on a temporary basis, pending further discussion.

#### General Council Conditions of Service Provisions

- 3 A number of changes have been made to the TCS to update references to the General Whitley Council Conditions of Service. The detailed record of all significant changes can be found in the record of amendments log (details of where to find this can be found at paragraph 5). All other relevant provisions in the General Council Conditions of Service as listed in Appendix III of the TCS shall continue to apply.

#### Where to find documents

- 4 A copy of the amended TCS can be downloaded from the NHS Employers website at the following web address: <http://www.nhsemployers.org/pay-conditions/pay-conditions-467.cfm>
- 5 A copy of the amended record of amendments log can be downloaded from the NHS Employers website at the following web address: <http://www.nhsemployers.org/pay-conditions/pay-conditions-467.cfm>

## Annex B

### Doctors employed under Terms and Conditions – Consultants (England) 2003

#### Temporary Schedule 24 – Maternity Leave and Pay

- 6 Agreement has been reached to revise the maternity leave and pay arrangements and these can be found in Temporary Schedule 24 of the TCS.

#### Temporary Schedules 27, 28 and 29 – Caring for Children and Adults, Flexible Working Arrangements and Balancing Work and Personal Life

- 7 Agreement has been reached to incorporate more favourable arrangements for Caring for Children and Adults (27), Flexible Working Arrangements (28) and Balancing Work and Personal Life (29). These arrangements mirror those for non-medical NHS staff. The arrangements were formerly based on parts of General Council Conditions of Service Section 7 which has been superseded. They have been inserted on a temporary basis, pending further discussion.

#### General Council Conditions of Service Provisions

- 8 A number of changes have been made to the TCS to update references to the General Whitley Council Conditions of Service. The detailed record of all significant changes can be found in the record of amendments log (details of where to find this can be found at paragraph 10). All relevant provisions in the General Council Conditions of Service as listed in Schedule 20 of these TCS shall continue to apply.

#### Where to find documents

- 9 A copy of the amended TCS can be downloaded from the NHS Employers website at the following web address: <http://www.nhsemployers.org/pay-conditions/pay-conditions-348.cfm>.
- 10 A copy of the amended record of amendments log can be downloaded from the NHS Employers website at the following web address: <http://www.nhsemployers.org/pay-conditions/pay-conditions-348.cfm>.