

Pay and Conditions Circular (M&D) 1/2019

Changes to Model Contracts for Doctors and Dentists in Training, Specialty Doctors, Associate Specialists, Consultants, Salaried Dentists and to Terms and Conditions of Service for Salaried Dentists

Summary

This pay circular notifies employers of changes to the following documents:

Doctors and Dentists in Training Model Contracts

Specialty Doctor / Associate Specialist Model Contract

Consultant Model Contract

Salaried Dentist Model Contract

Terms and Conditions of Service for Salaried Primary Dental Care Services (England)

Agreement

1. The Joint Negotiating Committee (Juniors), Joint Negotiating Committee (SAS), Joint Negotiating Committee (Seniors) and Joint Negotiating Committee (Dental) have approved amendments to the model contracts and TCS which are detailed below.

General Data Protection Regulation

1. Wording to reflect the General Data Protection Regulation is inserted into the Doctors and Dentists in Training Model Contracts, the Specialty Doctor and Associate Specialist Model Contract, the Consultant Model Contract and the Salaried Dentist Model Contract.

Injury allowance, appraisal and general maintenance of the Salaried Primary Dental Care Services (England)

2. The Terms and Conditions of Service for Salaried Primary Dental Care Services (England) are amended. These changes introduce a contractual right to injury allowance which replace the statutory injury benefit provisions, bringing salaried dentists into line with other staff groups. A new section is inserted around appraisal interviews. There is an updated line to reflect the current process by which the indicative training budget has been set since 2011. There is also general maintenance such as updated terminology and amendments to paragraph numbers. The full extent of these changes is set out in the record of amendments on the NHS Employers website.

Action

3. 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.
4. Copies of the amended TCS can be downloaded from the NHS Employers website at the following web address: <http://www.nhsemployers.org>
5. 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.
6. Employers are not required to reissue an amended contract to those individuals who have transferred, or been appointed to their contract prior to 8 August 2019, 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. Employers are also asked to use the amended contract when an individual undergoes a change of contractual terms i.e. moves to or from a part-time contract.

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

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 & Reward
NHS Employers

Annex A

Doctors and dentists employed under the Doctors and Dentists in Training Model Contract, Specialty Doctor / Associate Specialist Model Contract, Consultant Model Contract and Salaried Dentist Model Contract

General Data Protection Regulation

The following is inserted into the Doctors and Dentists in Training Model Contract at Section 16:

16. Transfer of information

16.1. Where you are required to rotate between employing organisations, you acknowledge that we may receive and transfer personal and confidential information regarding your employment and training, as necessary for the continuation of your training. Such personal and confidential information may include personal and special category data for the purposes of the General Data Protection Regulation and the Data Protection Act 2018.

16.2 On commencement of employment with the Trust, your personal data will be uploaded to the Electronic Staff Record (ESR). ESR is a workforce solution for the NHS which is used by the Trust to effectively manage the workforce leading to improved efficiency and improved patient safety.

[In accepting employment with the Trust, you accept that the following personal data will/may be transferred if your employment transfers to another NHS organisation].

[List data which is transferred]

16.3. Certain personal data is transferred from one NHS organisation to another when your employment transfers. NHS organisations have a legitimate interest in processing your data in this way to enable them to establish the employment of a suitable workforce and improve efficiencies within the NHS by making costs savings for Trusts and to save you time if your employment transfers.

The following is inserted into the Specialty Doctor / Associate Specialist Model Contract at paragraph 19, the Consultant Model Contract at paragraph 20 and the Salaried Dentist Model Contract at paragraph 20:

On commencement of employment with the Trust, your personal data will be uploaded to the Electronic Staff Record (ESR). ESR is a workforce solution for the NHS which is used by the Trust to effectively manage the workforce leading to improved efficiency and improved patient safety.

[In accepting employment with the Trust, you accept that the following personal data will/may be transferred if your employment transfers to another NHS organisation].

[List data which is transferred]

Certain personal data is transferred from one NHS organisation to another when your employment transfers. Such personal and confidential information may include personal and special category data for the purposes of the General Data Protection Regulation and

the Data Protection Act 2018. NHS organisations have a legitimate interest in processing your data in this way to enable them to establish the employment of a suitable workforce and improve efficiencies within the NHS by making costs savings for Trusts and to save you time if your employment transfers.

Annex B

Dentists employed under Terms and Conditions - Salaried Primary Dental Care Services

In Schedule 1 paragraph 1, the words “National Health Service Dental Performers List of a Primary Care Trust (PCT)” are changed to “National Health Service Dental Performers List of the Area Team of NHS England”:

In Schedule 5 paragraph 17, the words “medical director/chief executive” are replaced by “medical director (and chief executive as appropriate)”.

In Schedule 5 paragraph 20, the words “must be addressed at that time” are changed to “must be addressed as they occur”.

New paragraphs 5.23 and 5.24 are added:

Reasonable time for preparing for appraisal interviews

5.23 Service managers should allow dentists reasonable time to prepare for their appraisal interviews and job planning exercises. The amount of time required will vary for appraisals at critical points in the pay system (i.e. the threshold and extended competency point) but as a starting point four hours per year should be made available as preparation time for non-pay critical appraisals.

5.24 For appraisals relating to achieving key threshold or extended competency points, additional preparation time may be needed and should be granted based upon the extent of evidence to be submitted. This is envisaged to be based upon additional four-hour blocks dependent upon the extent of evidence required.

In Schedule 10 paragraphs 4 and 7, the words “managerial dentist/medical director” are changed to “managerial dentist (and/or medical director as appropriate)”.

In Schedule 10 paragraph 12, the line “This date should be set for a further three months” is changed to “This should allow a further three months”.

Schedule 11 paragraph 21 is:

11.21 All dentists are eligible to receive an indicative training budget. The value of this is detailed in appendix D and will increase annually by the RPI rate as at 1 April each year.

It is changed to:

11.21 All dentists are eligible to receive an indicative training budget. The value of this is detailed in appendix D and will be adjusted annually by the same factor as applied by the Doctors’ and Dentists’ Review Body to salaries paid under this contract.

Paragraph 11.33 is:

11.33 An absence due to injury sustained in the actual discharge of duty, for which the dentist was not liable, shall not be recorded for the purposes of these provisions.

It is changed to:

11.33 An absence due to injury sustained by a dentist in the actual discharge of their duty, for which the dentist was not liable, shall not be recorded for the purposes of aggregation against future sickness absence.

A new paragraph 11.34 is added:

11.34 The injury allowance provisions will apply as set out in Section 22 of the NHS Terms and Conditions of Service Handbook 19, and should be read alongside the accompanying guidance issued by NHS Employers.

Paragraphs 16.29 to 16.41 “Transitional arrangements: 1 October 2006 to 30 September 2011” are deleted.

In the Glossary, the line “PCT Primary Care Trust” is removed.