Dear Colleague

AMENDMENTS TO THE TERMS AND CONDITIONS OF SERVICE FOR HOSPITAL MEDICAL, DENTAL AND PUBLIC HEALTH MEDICINE CONSULTANTS EMPLOYED UNDER THE 2004 CONSULTANT CONTRACT

Summary

1. This pay circular notifies employers of changes to the 2004 consultant contract (Scotland) Terms and Conditions of Service (TCS) which were introduced from 1 April 2004 under cover of NHS Circular PCS(DD)2004/2 dated 30 March 2004. A link to the amended TCS is given below:


Agreement

2. It has been agreed between SEHD, the Management Steering Group of the Employers Reference Group and the Scottish Consultants Committee of BMA Scotland that the terms and conditions of service should be amended as set out in Annex A attached to this circular. These amendments are effective from 23 December 2005.

Background

3. It has been agreed that non-medical family planning work should be treated within the terms and conditions of service as contracted work to be carried out within programmed activities, comprising an element of the direct clinical care work undertaken within consultants’ job plans. It is therefore no longer necessary to retain a fee-paying option for this work to be undertaken outwith programmed activities and all such work should be treated as contracted for on the same basis as other NHS work within the job plan.

23 December 2005

Addresses

For action
Chief Executives, NHS Boards and Special Health Boards
Directors of Human Resources, NHS Boards and Special Health Boards

For information
Medical Directors, NHS Boards and Special Health Boards
Members, Scottish Partnership Forum

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4. Individuals who hold religious or moral objections to carrying out such family planning work may declare such objections on appointment, or at any point at which they may be asked to commence such work, in which case they will be excused from undertaking such duties.

Action

5. Employers are required to:

- note the changes to the new consultant contract terms and conditions of service, as outlined at Annex A to this circular;
- alert all employees to the changes to the terms and conditions of service;
- ensure that the changes to the terms and conditions of service are implemented from the date of this circular;
- ensure that they comply with all relevant equalities legislation. Special regard should be given to the Employment Equality (Religion or Belief) Regulations 2003.

6. Employees should direct personal enquiries to their employing NHS Board or Special Health Board.

7. Employers are asked to make their own arrangements for obtaining any additional copies of this circular. This circular can also be viewed on [http://www.show.scot.nhs.uk/sehd/pcs.asp](http://www.show.scot.nhs.uk/sehd/pcs.asp).

8. Employers should note that this circular does not affect or change any entitlement of consultants on the pre-2004 consultant contract and other grades of doctor to family planning fees.

Yours sincerely

MICHAEL PALMER
Assistant Director of Human Resources
(Workforce and Pay Policy)
ANNEX A

AMENDMENTS TO TERMS AND CONDITIONS OF SERVICE FOR HOSPITAL MEDICAL, DENTAL AND PUBLIC HEALTH MEDICINE CONSULTANTS EMPLOYED UNDER THE 2004 CONSULTANT CONTRACT

Introduction

The following two amendments apply to the terms and conditions of service for the 2004 consultant contract (Scotland) from 23 December 2005 in order to incorporate all non-medical family planning work into programmed activities as an element of the contracted work included in consultants’ job plans, and thereby to:

- reflect the fact that it is no longer necessary to retain a fee-paying option for undertaking such work outwith programmed activities;
- make clear that such work is to be treated as contracted for on the same basis as other NHS work within the job plan.

Amendments

a) Current Section 9.4 to be deleted and replaced with the following:

9.4 Family planning fees

9.4.1 These terms and conditions of service supersede the provisions of NHS Circulars 1975(PCS) 79 and 1976(PCS)66. All family planning work by consultants will be undertaken as part of their agreed programmed activities. Consultants who hold religious or moral objections to carrying out such family planning work may declare such objections on appointment, or at any point at which they may be asked to commence such work in which case they will be excused from undertaking such duties.

b) Current Section 4 (headed ‘Family planning fees’) of Appendix 5(b) to be deleted.

Conclusion

These two amendments implement the agreement with the Management Steering Group of the Employers Reference Group and the Scottish Consultants Committee of BMA Scotland that, with effect from 23 December 2005, all family planning work will be treated as part of a consultant’s contracted duties, and that retaining a fee-paying option is no longer necessary.
DIRECTION

NATIONAL HEALTH SERVICE, SCOTLAND

APPROVAL OF REMUNERATION AND CONDITIONS OF SERVICE

Scottish Ministers, in exercise of the powers conferred on them by Regulations 2 and 3 of the National Health Service (Remuneration and Conditions of Service) (Scotland) Regulations 1991 and section 105(7) of, and paragraph 5 of Schedule 1 and paragraph 7 of Schedule 5 to, the National Health Service (Scotland) Act 1978 hereby give NHS Boards and Special Health Boards the following direction.

The new terms and conditions of service for hospital medical and dental staff and doctors in public health and the community health service (consultant grade) introduced under NHS Circular PCS(DD)2004/2 dated 30 March 2004 are amended by the changes to the terms and conditions of service which were approved by Scottish Ministers in NHS Circular PCS(DD)2005/13 dated 23 December 2005. This approval has effect from 23 December 2005.

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23 December 2005

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