



21 January 2011

Dear Colleague

## SUPPORTING DOCUMENTATION FOR NEW SPECIALTY DOCTOR AND ASSOCIATE SPECIALIST 2008 CONTRACTS

### ADDITIONAL FAQs – FAMILY PLANNING FEES

#### Summary

1. Following Chief Executive Letter [CEL \(56\) 2008](#), and [\(29\)](#), [\(39\)](#) and [\(48\)](#) 2009 which provided details and supporting documentation to help NHS employers and eligible doctors and dentists with the implementation of the new contracts, this Chief Executive Letter (CEL) provides an additional Frequently Asked Question on the application of Family Planning Fees on assimilation to the new contracts.

2. The documents are as follows:

Annex A: FAQ on Application of Family Planning Fees on Assimilation to the new Associate Specialist (2008) and Specialty Doctor (2008) Contracts

Annex B: Worked Examples

#### Enquiries

3. Employees should direct their personal enquiries to their employing Board, Special Health Board or NHS National Services Scotland (formerly the Common Services Agency).

4. Employers are asked to make their own arrangements for obtaining any additional copies of this CEL which is available on the SHOW website at <http://www.show.scot.nhs.uk/sehd/pcs.asp>

Yours sincerely

**JOHN COWIE**

Deputy Director for Health Workforce

Employment and Retention

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#### Addresses

##### For action

Chairs, NHS Boards, Special Health Boards and NHS National Services Scotland (Common Services Agency)  
Chief Executives, NHS Boards, Special Health Boards and NHS National Services Scotland.(Common Services Agency)  
Directors of Finance, NHS Boards, Special Health Boards and NHS National Services Scotland (Common Services Agency).  
Directors of Human Resources, NHS Boards, Special Health Boards and NHS National Services Scotland (Common Services Agency)

##### For information

Members, Scottish Terms and Conditions Committee  
Members, Scottish Partnership Forum  
Members, Scottish Workforce and Governance Group  
Management Steering Group (MSG)

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#### Enquiries to:

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## SPECIALTY DOCTOR AND ASSOCIATE SPECIALIST 2008 CONTRACTS

### FREQUENTLY ASKED QUESTIONS (SCOTLAND)

#### APPLICATION OF FAMILY PLANNING FEES ON ASSIMILATION TO THE NEW ASSOCIATE SPECIALIST (2008) AND SPECIALTY DOCTOR (2008) CONTRACTS

Q 70. I have agreed a job plan in which the work carried out is substantially the same as in my previous job plan and includes Family Planning work. I previously received family planning fees separately. On assimilation to the 2008 contract, my total salary is less than my former total salary plus these family planning fees. Am I entitled to any pay protection?

A. For the purpose of transition to the 2008 Specialty Doctor and Associate Specialist contracts, it has been agreed that Family Planning work is contractual in nature and that as a consequence, fees earned for this work in the financial year 2007/08 should be combined with the total salary received at 31 March 2008. If the combined salary is greater than the total salary on assimilation, then protection will be applied on a mark-time basis in accordance with Schedule 27 paragraphs 12 and 13 (Schedule 28 in the Associate Specialist contract) of the Terms and Conditions of Service as set out below:

“12. For the protection arrangements during the transitional arrangements, subject to the work being contracted for in the new contract being of the same time and nature as work carried out under the national contract and Terms and Conditions of Service\*, then any remuneration paid to an individual doctor under that contract/ Terms and Conditions of service will be protected, subject to hours and intensity remaining the same. Protection is to be applied at mark time of the value of payments at 31 March 2008 plus the value of any annual pay increase recommended by the Doctors and Dentists Review Body and accepted in Scotland for 2008/09 only.

13. The period of protection will end when the total level of payments under the new arrangements exceeds the level of protected pay.”

*\*Hospital Medical and Dental Staff and Doctors and Dentists in Public Health Medicine and the Community Health Service (Scotland) Terms and Conditions of Service*

Q 71. I have already moved to the new contract but I think I should have had pay protection because my total salary on assimilation was lower than my previous total salary plus family planning fees at 31 March 2008. What should I do?

A. Provided you have agreed a job plan in which the work carried out is substantially the same as under the previous job plan (i.e. the family planning work has continued), you will be entitled to have your case reviewed. You should ask your employer to review your salary on assimilation: where your total salary plus Family Planning fees at 31 March 2008 is greater than your total salary on assimilation, pay protection will be applied as outlined in Q 70 above and any monies due will be paid.

Q 72. I have previously received and not accepted an offer to transfer to the new contract under the transitional arrangements as per paragraph 6.4, Schedules 27 or 28 of the Terms and

Conditions of Service. The job plan associated with the offer included family planning work. I now wish to have my case reviewed? What should I do?

A. You should ask your employer to review your case. If you are eligible for pay protection, this will be calculated and paid in accordance with Q70 above and your rights to assimilate under the transitional arrangements will be honoured.

## APPLICATION OF FAMILY PLANNING FEES ON ASSIMILATION TO THE NEW ASSOCIATE SPECIALIST (2008) AND SPECIALTY DOCTOR (2008) CONTRACTS – WORKED EXAMPLES

In relation to these examples, protection is to be applied as per paragraphs 12 and 13 of Schedule 27 of the Terms and Conditions (Schedule 28 for Associate Specialists), which read:

- “12. For the protection arrangements during the transitional arrangements, subject to the work being contracted for in the new contract being of the same time and nature as work carried out under the national contract and Terms and Conditions of Service\*, then any remuneration paid to an individual doctor under that contract/ Terms and Conditions of Service will be protected, subject to hours and intensity remaining the same. Protection is to be applied at mark time of the value of payments at 31 March 2008 plus the value of any annual pay increase recommended by the Doctors and Dentists Review Body and accepted in Scotland for 2008/09 only.
13. The period of protection will end when the total level of payments under the new arrangements exceeds the level of protected pay.”

\*Hospital Medical and Dental Staff and Doctors and Dentists in Public Health Medicine and the Community Health Service (Scotland) Terms and Conditions of Service

Protection will therefore be applied to the value of payments at 31 March 2008 plus the value of any annual pay increase recommended by the Doctors and Dentists Review Body and accepted in Scotland for 2008/09 (agreed at 2.2%).

Any protection applied will be mark time protection, under which a doctor's salary will be held at the protected amount until such time as their total salary under the 2008 contract exceeds the protected amount and for so long as the nature and intensity of the work undertaken remains unchanged.

### Example One

Specialty Doctor on the minimum point of the Staff Grade incremental scale at 31.03.08 who earned £2,000 in Family Planning fees in 2007/08.

Salary at 31.03.08	£32,547
Family Planning Fees earned 07/08	£ 2,000
Total	£34,547
Upated by DDRB uplift applying 01.04.08 (2.2%)	£35,307
Assimilated to	£38,974

In this case the doctor assimilates to a higher level of pay than the total of their salary at 31.03.08 plus the amount of Family Planning fees earned in 2007/08, uprated by 2.2% as per the DDRB recommended uplift for 2008/09. Pay protection is therefore unnecessary.

### Example Two

Specialty Doctor on the minimum point of the Staff Grade incremental scale at 31.03.08 who earned £6,000 in Family Planning fees in 2007/08.

Salary at 31.03.08	£32,547
Family Planning Fees earned 07/08	£ 6,000
Total	£38,547
Upated by DDRB uplift applying 01.04.08 (2.2%)	£39395
Would have been assimilated to	£38,974

In this case the doctor would assimilate to a lower level of pay than the total of their salary at 31.03.08 plus the amount of Family Planning fees earned in 2007/08, uprated by 2.2% as per the DDRB recommended uplift for 2008/09. This doctor would be placed on mark time protection at £39,395 until such time as their total salary under the new contract exceeds that amount.

### Example Three

Specialty Doctor at the minimum point of the Staff Grade incremental scale at 31.03.08 who earned £6,000 in Family Planning fees in 2007/08. The doctor was previously paid for 13 sessions and the new job plan equates to 12 PAs.

Basic salary at 31.03.08	£32,547
Total salary for 13 sessions	£42,311
Family Planning Fees earned 07/08	£ 6,000
Total	£48,311
Upated by DDRB uplift applying 01.04.08 (2.2%)	£49,374
Assimilated to (Basic Salary @ 10 PAs)	£38,974
Assimilated rate inc. 2 APAs	£46,769

In this case the doctor would assimilate to a lower level of pay than the total (including additional sessions) of their 2007/08 salary plus the amount of Family Planning fees earned in 2007/08, uprated by 2.2% as per the DDRB recommended uplift for 2008/09. As the work under the new job plan is of the same nature and intensity as before, this doctor would be placed on mark time protection at £49,374 until such time as their total salary under the new contract exceeds that amount.

#### Example Four

Associate Specialist at the minimum point of the Associate Specialist incremental scale at 31.03.08 who earned £12,000 in Family Planning fees in 2007/08. The Doctor is on a 1:6 on-call rota and previously received 2 onerous duty payments to recognise this.

Basic salary at 31.03.08	£35,977
Onerous Duty Payments received	£6,541
Family Planning Fees earned 07/08	£12,000
Total	£54,518
Uprated by DDRB uplift applying 01.04.08 (2.2%)	£55,615
Assimilated to	£58,431
Applicable on-call supplement (4%)	£2,337
Total assimilated rate	£60,768

In this case the doctor assimilates to a significantly higher level of total pay than the total of their 2007/08 salary (including onerous duty payments) plus the amount of Family Planning fees earned in 2007/08, uprated by 2.2% as per the DDRB recommended uplift for 2008/09. This doctor would therefore not be entitled to any protection of salary

#### Example Five

Associate Specialist on the maximum point of the AS scale at 31.03.08 who earned £12,000 in Family Planning fees in 2007/08.

Salary at 31.03.08	£78,039
Family Planning Fees earned 07/08	£12,000
Total	£90,039
Uprated by DDRB uplift applying 01.04.08 (2.2%)	£92,020
Would have been assimilated to	£82,863

In this case the doctor would assimilate to a significantly lower level of pay than the total of their salary at 31.03.08 plus the amount of Family Planning fees earned in 2007/08, uprated by 2.2% as per the DDRB recommended uplift for 2008/09. This doctor would be placed on mark time protection at £92,020 until such time as their total salary under the new contract exceeds that amount.