

The Scottish Government

Health Workforce and Performance Directorate
NHS Pay and Conditions of Service Team



Dear Colleague

PAY AND CONDITIONS FOR HOSPITAL MEDICAL AND DENTAL STAFF AND DOCTORS AND DENTISTS IN PUBLIC HEALTH MEDICINE AND THE COMMUNITY HEALTH SERVICE

ADDITIONAL SCHEDULE 28 ADDED TO THE SPECIALTY DOCTORS TERMS AND CONDITIONS OF SERVICE 2008 – ACTING UP ALLOWANCES

Summary

1. This pay circular notifies NHSScotland employers of an additional Schedule added to the Terms and Conditions of Service for Specialty Doctors – Scotland (2008) with effect from 1 March 2014.

Agreement

2. The Joint Negotiating Committee (SAS) have approved amendments to the terms and conditions of service which are detailed below.

Background

3. Schedule 21 of the Associate Specialist Terms and Conditions of Service (2008) on Acting Up Allowances has been replicated in the Specialty Doctor Terms and Conditions of Service (2008) as Schedule 28.

4. The new Schedule becomes Schedule 28 in the Specialty Doctor Terms and Conditions of Service and is attached at Annex A.

5. This new Schedule is endorsed by Scottish Government Ministers, BMA Scotland and the Management Steering Group.

17 September 2014

Addresses

For action

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

For information

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

Enquiries to:

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Action

6. NHSScotland employers are asked to:
 - a) implement this change to the Specialty Doctors Terms and Conditions of Service from 1 March 2014.
 - b) alert all eligible employees to the new terms and conditions as set out in Annex A.
 - c) note that a High Court judgement 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.
 - d) It is good practice that employers should:
 - (i) Write to individual medical and dental practitioners in order to notify them of the revisions to their TCS; and
 - (ii) Place a copy of the notification on each individual's HR record.

Enquiries

7. **Employees** should direct their personal enquiries to their employing NHS Board or Special Health Board. .
8. **NHS Employers in Scotland** should direct enquiries to the Scottish Government contact detailed on page one of this circular.
9. NHS Employers in Scotland are asked to make their own arrangements for obtaining any additional copies of this circular. This circular can also be viewed on the SHOW website at:

<http://www.show.scot.nhs.uk/sehd/pcs.asp>

Yours sincerely



SHIRLEY ROGERS
Health Workforce
Directorate for Health Workforce and Performance

The Scottish Government
Health Workforce Directorate
Employment and Retention Division



DIRECTION

The 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), paragraph 5 of Schedule 1 and paragraph 7 of Schedule 5 to, the National Health Service (Scotland) Act 1978, hereby gives to NHS Scotland Boards and Special Health Boards and NHS National Services Scotland (the Common Services Agency) the following Direction.

The new terms and conditions of service for hospital medical and dental staff and doctors and dentists in public health medicine and the community health service (Specialty Doctor grade) shall become operative from 1 March 2014 as specified in the arrangements which have been approved by Scottish Ministers and set out in Annex A to NHS Circular PCS(DD)2014/4 dated 17 September 2014.



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17 September 2014

ANNEX A

NEW SCHEDULE IN THE TERMS AND CONDITIONS OF SERVICE FOR SPECIALTY DOCTORS (2008)

SCHEDULE 28

Acting Up Allowance

1. An acting-up allowance shall be payable to a doctor who, with the approval of their employer, takes over the full range of duties and responsibilities of a consultant, subject to the following provisions:

a. when a consultant is absent for more than a qualifying period of fourteen days other than on annual or professional leave within the recommended standard for the senior grade, and arrangements cannot be made either for cover by other consultants or for a locum to be engaged, a doctor under these Terms and Conditions shall be paid for acting-up if the employing organisation consider it is practicable for the doctor to take over the full range of duties and responsibilities of the absent consultant without supervision;

b. the allowance shall be such as to bring the doctor's rate of pay to the rate of pay he or she would receive on promotion to the consultant grade;

c. payment of the allowance shall have effect from the agreed date of the doctor taking up the full range of duties and responsibilities;

d. the rate of allowance shall be determined in accordance with the appropriate schedule (Appendix 3) in the 2004 Scottish Consultant Contract TCS. The allowance shall include any payment for fees for lectures to non medical or non dental staff and doctors and dentists as set out in the 2004 Scottish Consultant Contract TCS. A doctor while acting up in the consultant grade will also be entitled to the arrangements on travelling allowance and mileage as set out in the 2004 Consultant Contract TCS;

e. continuity of a period of acting-up will not be broken by days on which the practitioner is not required to be on duty; continuity will normally be broken by absence on leave of any kind of more than fourteen days and a further qualifying period of fourteen consecutive days will be required after such absence. A doctor shall not act up under the arrangements set out in this schedule for a continuous period longer than 6 months.

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