

## Changing your PA commitments FAQs for consultants in Scotland

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6 June 2019



There are many reasons that a consultant may reconsider the overall number of programmed activities (PAs) that they undertake during their career. A desire to increase activity may include additional PAs (for example increasing the number of PAs in a less than full-time (LTFT) contract towards a full-time 10 PA contract), or indeed extra programmed activities (EPAs) may be added to a full-time contract. Conversely, work-life balance, times of ill-health, disability and pensions tax burdens amongst other reasons may all feature in a decision to seek a reduced commitment.

Annual job planning is an obvious moment to take stock of commitments, but that is not the only opportunity to request a change. For those considering a move from full time (10PAs) to LTFT, (a permanent change to the substantive contracted PAs) a flexible working request should be made to the employer. EPAs are subject to a separate contract and 3 months' notice at any time, so a flexible working request is not needed if you are only relinquishing EPAs (see below).

## **1. What are EPAs?**

Extra programmed activities (EPAs) are programmed activities that are additional to the substantive contract a consultant has with their employer.

They are remunerated pro-rata (calculated on basic pay and any discretionary points up to the maximum of 8).

They are usually for direct clinical care ('patient facing' and supporting admin) activity but may be for other duties. They are not usually for on-call or other emergency duties since this work has 'first call' on our consultant time and should be included in core contract PAs.

They are contracted for separately (see model contract in Appendix 2 of the TCS) to the substantive contract, usually on an annual basis, and signed off separately. They should be for named identifiable activities - for example a 'Tuesday morning elective clinic' or 'Thursday afternoon elective operating list'.

## **2. Can I just 'drop' some or all of the EPAs I currently undertake?**

All EPAs are subject to three months' notice either from the employer or from you, the employee. Therefore, you can write to your employer (your medical manager or whomever signs off your job plan usually) asking to stop them at any time, giving three months' notice from the date of the letter. You do not need to give any reason and you do not need to have a job plan review before reducing the commitment, although either the employee or employer may choose to seek a job plan review as a result of the changes. The duties stipulated as EPAs in your signed off job plan are the ones that you will drop. It is important to keep an eye on your payslip to ensure that you are no longer paid for the EPA work if you are no longer doing it!

### **3. What are the consequences of giving up my EPA(s)?**

- a) By giving up EPAs you will lose the salary contribution that they make to your pay packet.
- b) EPAs that take the total number of PAs beyond 10 are not pensionable, and therefore giving those up will not affect your pension contribution, but it will count as a reduction in your overall income for the purposes of calculating liability for pension taxation charges. You should get independent expert financial advice on this issue.
- c) Should you subsequently wish to take up EPAs in the future it is worth noting your employer is under no obligation to offer them to you. In other words, this may be a 'one-way street'.
- d) If a consultant who undertakes private practice declines the offer of an EPA and continues to undertake private practice in that year s/he could have progression through seniority points (pay progression) deferred for that year.

### **4. Can I drop to less than my current number of substantive contract PAs?**

Your employer must consider any application to work less than full time (LTFT) whether this request is made during the job plan review or because of a flexible working application.

This does not mean your employer must agree to such a request however – there are certain grounds on which the employer can decline such a request, and these are defined in law and in your relevant local policy. There should be the opportunity to appeal a decision about a flexible working request and, in some circumstances, there may be grounds to complain to an employment tribunal.

Reducing your substantive contracted PAs will generate a need for a job plan review. Whilst the new job plan will still need to include employee and employer perspectives and needs, it should be recognised that the employer may not want to lose the same activities that the employee would like to drop. SPA time may also change when the total number of PAs is reduced to below 10. There is a table to calculate the appropriate ratio. Further details are in the [consultant handbook](#).

### **5. What are the consequences of reducing PAs in your substantive contract?**

- a) By dropping PAs, you will lose the salary contribution that those PAs make to your pay packet.
- b) Up to your first 10PAs are pensionable, therefore dropping them will reduce your pension accrual. It may also impact on annual and life time allowance tax liability. Other options include leaving your PAs unchanged but moving in and out of the pension scheme. Either one of these actions should only be considered in the light of independent financial advice.
- c) Should you wish to take up further PAs in the future it is worth noting your employer is under no obligation to offer them to you. In other words, this may be a 'one-way street'.

- d) There is a potential impact on SPA time as per the scale in the consultant handbook.
- e) There will also be an impact on annual leave entitlement as in effect the post becomes part-time.

## **7. What can I do if my employer refuses to let me go LTFT?**

Your employer must reasonably consider your request in line with the local policy for flexible working. At the time of consultant appointment, you are entitled to ask for consideration of flexible working. Thereafter you will need to have been employed for 26 weeks or more to be eligible to make a request flexible working.

If you are considering making a flexible working request, advice regarding the application process and any subsequent appeal is available from the BMA. If you have specific or personal circumstances to support your request and your employer fails to take proper account of them, there may be grounds to appeal the decision (for example, where your employer is failing to provide reasonable adjustments relating to a disability).

### **More information**

- See the [Scottish Consultant Handbook](#)
- Contact 'First Point of Contact' on 0300 123 1233 for employment advice
- Speak to your local LNC representatives

Please also consider feeding back any decisions you take on changing your PA commitment to our feedback portal <https://bit.ly/2VJqTJi>