A Welsh Consultants Committee

Guide to the “Basics” of the Amendment
to the National Consultant Contract
for Wales
INTRODUCTION

The Amendment to the Consultant Contract in Wales was implemented on 1 December 2003, it has many advantages over the contracts agreed in England Scotland and Northern Ireland and was specifically negotiated to control the working environment and achieve a reasonable work life balance, improve financial reward and to aid recruitment and retention of Consultants to Wales.

This guide aims to answer common questions about the Welsh Contract and the differences between the English, Welsh, Scottish and Northern Ireland contracts. It will be of help to those applying for consultant posts in Wales and for newly appointed consultants,

Further detailed guidance on preparation for job planning and the job planning process in Wales, is available for BMA members on the BMA Cymru Wales website, together with a copy of the Amendment to the Consultant Contract in Wales and the Welsh Consultants Handbook

http://bma.org.uk/practical-support-at-work/contracts/consultant-contracts
The basis of the Welsh Contract

The Working week for a full time consultant in Wales comprises of 10 sessions of three to four hours each, which will be programmed in blocks of time to average a **37.5 hour week**

“For a full time consultant there will typically be 7 sessions for direct clinical care (DCC) and 3 for supporting professional activities (SPA) Variations will need to be agreed by the employer and the consultant at the job planning review.” **

What are DCCs and SPAs?

Under the Welsh Contract a session of Direct Clinical Care (DCC) covers:

- Emergency duties (including emergency work carried out during or arising from on call)
- Operating sessions including pre and post operative care
- Ward rounds
- Out-patient clinics
- Clinical diagnostic work
- Other patient treatment
- Public health duties
- Multi disciplinary meetings about direct patient care
- Administration directly related to patient care (e.g. referrals, notes).

Please note this list is not exhaustive other activities may be included depending on the individual job plan

* Para 2.2  ** Para 2.25   *** Para 2.20 Amendment to the National Consultant in Wales
A session of Supporting Professional Activities (SPAs) *covers a number of activities which underpin direct clinical care including

Training
Continuing Professional development
Teaching
Audit
Job Planning
Appraisal
Research
Clinical Management
Local clinical governance activities

Please note this list is not exhaustive, other activities may be included depending on the individual job plan

We strongly believe this balance of duties between clinical and non clinical work is essential for all consultants and we are concerned that if posts are advertised with a higher number of direct clinical care sessions, newly appointed consultants will be disadvantaged compared to their colleagues. Some consultants may, as a result of specific roles e.g. Postgraduate Organiser, require a greater allocation of SPAs but no consultant should have less than 3 SPA sessions

* Para 2.21 Amendment to National Consultant Contract in Wales
Is the Welsh Contract based upon Programmed Activities (PAs) in the same way as the English, Scottish and Northern Ireland contracts are?

PAs are 4 hours of work carried out within the normal working week (8am to 8pm Mon – Fri Scotland ) (7am – 7pm England & Northern Ireland ) Under the English, Scottish and Northern Ireland contracts, a full time contract is 10 PAs or 40 hours of work per week.

What is equivalent to a PA under the Welsh Contract?

The Welsh Contract is based on sessions of typically between 3 - 4 hours a full time contract is 10 sessions of around 37 ½ hours of work per week.

Is the DCC and SPA split the same in the English and Scottish and Northern Ireland Consultant contracts?

No the split in England, Scotland and Northern Ireland should typically be 7.5 DCCs and 2.5 SPAs.

Can duties other than those classed as DCCs and SPAs be recognised under the Welsh Contract?

Yes there are 4 ways additional work can be recognised

- Additional work of a session or more regularly undertaken and identified through the job planning process. These sessions are voluntary and can be ended at the request of the consultant or employer. Consultants may be requested by their employer to carry out additional sessions from time to time in excess of their contracted sessions. Remuneration for this work is to be negotiated, we would expect this to be at minimum the standard sessional rate *

- A Waiting List initiative session may be requested by the employer to be carried out in excess of contracted sessions. Remuneration for this work will be at the rate set out in the most recent pay circular which from 1/4/09 is £573 per session.**

- Some consultants have additional responsibilities agreed with their employer which cannot be absorbed within the time available for supporting activities, such as Caldicott Guardian, clinical audit leads, clinical governance lead and professional representational roles. These duties will be substituted for other work or remunerated separately by agreement.***

- Other external duties including work for other NHS organisations can be specified within the working week by explicit agreement, such duties include Trade Union duties, member of an AAC, work for the Royal Colleges in the interests of the wider NHS, and specified work for the GMC. If you are thinking about taking on such a role, you should discuss your future job plan with your employer in advance to ensure that this will be recognised.****

* Para 2.27, ** Para 2.36 -39 ***Para 2.40 ****Para 2.42 Amendment to National Consultant Contract in Wales
I've heard of EPAs what are they, are they covered in the Welsh contract?

No, extra programmed activities are not covered in the Welsh contract. (EPAs) are paid under the English, Scottish and Northern Ireland contracts for Programmed Activities worked above 10, which may be terminated by 3 months notice on either side.

Under the Welsh contract is there any limit on Private Practice?

No, unlike the English, Scottish and Northern Ireland contract you do not have to work an 11th PA in order to carry out private practice.

What will be my basic salary?

On first appointment as a consultant you will be appointed to a point of the pay scale dependent on your previous experience, this is likely to be the minimum point, unless you are able to demonstrate what other experience you have. For instance working as a locum consultant, working overseas or training part time should result in you starting at a higher level. We would encourage all new consultants to negotiate a starting salary above the minimum point of the scale. It should be remembered that starting at a higher salary point does result in earlier achievement of commitment awards.

The salary scales are given each year in the pay circular issued by the Welsh Assembly Government, from 1/4/09 the minimum basic pay for a consultant in Wales is £72,205.

Will I be paid local higher awards levels 1-9 or discretionary points?

No in Wales the discretionary points scheme has been replaced by commitment awards, there are 8 awards paid at three yearly intervals to all consultants once they have reached the top of the pay scale. Commitment awards are given automatically provided you have not had an unsatisfactory job plan review over the required period.*

The National Clinical Excellence awards scheme applies in Wales in the same way as in England. Applications are considered through the ACCEA.
Remember

- The Welsh Contract is for working around 37 ½ hours per week whilst the English, Scottish and Northern Ireland contracts are based on a working week of 40 hours.
- In Wales you will receive an incremental rise in salary each year and reach the top of the scale in 6 years. In England, Scotland and Northern Ireland there are 8 incremental points with only the first four awarded annually.
- In Wales, in addition to your basic salary you are paid an intensity supplement for your out of hours working.
- Once at top of the scale you will receive a commitment award which is then paid every three years, provided you do not have an unsatisfactory job plan review over the required period.

How do I agree what duties I will work under my contract?

Employers and consultants will draw up and agree job plans, setting out the consultant’s duties, responsibilities and expected outcomes. After full discussion with the consultant, decisions will be made as to how and when the duties and responsibilities in the job plan will be delivered, taking into account the consultant’s views on resources and priorities.

What if under the Welsh Contract I am regularly working more than 10 sessions?

If you are regularly working on average one session more or less than then normal 37 ½ hours per week this should trigger a job plan review.

Interim job plan reviews should also be conducted where duties responsibilities or outcomes are changed or need to change significantly within the year or where the time commitment involved breaches the contracted hours trigger point.

What should I do if I am applying for a job advertised with fewer than 3 SPAs?

We recognise if you are a consultant applying for your first consultant post, particularly when there is stiff competition, you may be reluctant to question why the job is offered at less than 3 SPAs. You may feel that acceptance of fewer SPAs may mean you are more likely to get the job but you should not sell yourself short in this area. The best approach may be to defer discussion of this issue until after you have been offered the post and before you accept the post formally.
We are aware that in some cases, new consultants are finding that although the post was advertised with 7 DCCs and 3 SPAs once appointed they are placed under pressure to accept a reduced number of SPAs.

The principles which underpin job planning are that the job plan must be agreed and that there will typically be 7 sessions for direct clinical care and 3 for supporting professional activities. A job plan cannot be imposed, it must be agreed and you can do this before you start the job. If yours is a replacement post, it may be useful to ask the previous post holder about their SPA allocation. If this is a new post, it may be useful to ask other consultants in your new department what they are receiving.

What if I can't agree with my employer about my job plan before I start?

If you are confident that you will require a higher level of SPA than your employer is prepared to offer, the best approach may be to start your post, keep a detailed work diary and request a job planning review as soon as there is a difference between your job plan and the number of hours worked. Your employer is obliged to review it with you and if you have evidence of needing a greater SPA allocation then this should be recognised in a new job plan.

If a job plan still cannot be agreed with you, you can make use of the appeal procedure. Further guidance on the job planning process and model diary evidence is available to members (www.bma.org.uk)

I am not sure about the contract and the job plan I am being offered what should I do?

The key thing in this situation is not to accept your job plan until you get advice. Your employer will be reluctant to re-open the appointment process and will usually want to reach agreement with you as the sooner you can start, the sooner they can stop paying for a locum. You should decline to set a start date until you have got advice from the BMA, who will also encourage you to contact the Chair of the Local Negotiating Committee. Get as much information as you can regarding the SPA allocations of your other future colleagues. If you have already started your job, keep a detailed diary and then contact the BMA for advice.

I don't really want to cause trouble so soon after starting; do I really need 3 SPA sessions?

Your SPA sessions are when you will do the work that will allow you to ensure you remain up to date and delivering high quality care. It will produce the evidence you will need for revalidation and you may later regret giving it up. Adding more SPA to your job plan may be harder after a few years when you may struggle to provide the evidence that you nee.

Some Employers contend that new consultants need fewer SPAs. We do not agree with this position, as we strongly believe that consultants at the start of their career have just as much to offer in teaching, training and managerial roles and have just as much if not more need for professional development. For these reasons offering new consultants fewer SPAs is not justified and you are advised that accepting less than 3 SPA sessions is unlikely to be in your interests.
IN SUMMARY

REMEMBER

- Get informed use this, the job planning guidance and the Welsh Consultant Contract Handbook to find out more about the consultant contract in Wales

- Ask for a job plan before you attend the interview, if it has fewer than 3 SPAs ask why and ask for at least 3 SPAs in accordance with the Welsh Contract

- Get detailed advice from the BMA if you are a member and speak to the Chair of your Local Negotiating Committee

- If you accept a contract with less than 3 SPAs keep a diary of your hours and ask for a job plan review if your hours don’t match the job plan.

- If you are a BMA member you can phone the BMA advice line askBMA on 0300123 123 3 or email support@bma.org.uk. The service is available Mondays - Fridays between 8.30am and 6.00 pm except on UK wide bank holidays

As well as this guide there is further detailed information available on the Consultant Contract in Wales and the process of job planning on BMA Cymru Wales website link

Amendment to the National Consultant Contract in Wales, Job planning a take you through it guide - members only, Consultant handbook for Wales http://www.bma.org.uk/wa/employmentandcontracts/employmentcontracts/indexjsp