Shared parental leave in the NHS

About the BMA
The BMA (British Medical Association) is a professional association and trade union representing and negotiating on behalf of all doctors and medical students in the UK. It is a leading voice advocating for outstanding health care and a healthy population. It is an association providing members with excellent individual services and support throughout their lives.

Consultants and SAS doctors have been excluded from accessing enhanced rates of pay for shared parental leave — a new equalities-related employment benefit that will be offered to all other NHS staff groups – unless they accept punitive changes to entirely unrelated employment conditions.

The key points
• As of 1 April, SPL (shared parental leave) in England has been enhanced to the same levels as occupational maternity and adoption pay across the NHS. The BMA welcomed this change as we believe all NHS employees should expect that their pay during such a period of leave from work (whether for maternity, adoption or shared parental leave) reflects what they earn.

• The enhanced SPL entitlement means that parents are not financially disincentivised from sharing their care responsibilities more equally if they choose to do so. As such, SPL is an important equalities-related employment benefit – key to addressing the gender pay gap in medicine.¹

• To drive change, the new enhanced SPL entitlement should apply to the whole of the NHS, without exception or sacrifice. Instead, it will be withheld from consultants and SAS doctors unless they accept punitive contractual changes on entirely unrelated employment terms and conditions.

• If the NHS is to address its equalities issues, it is unacceptable that eligibility for a key equalities-related employment benefit is being used as a lever to force through unrelated contractual changes for senior NHS doctors – thereby perpetuating gender inequality in the workforce, and introducing a wholly new inequality between those who do and do not receive enhanced occupational rates of pay for shared parental leave.

The background
Enhancing rates of pay for shared parental leave is an important step towards addressing the gender pay gap in medicine: barriers to taking shared parental leave have been considered a key driver of the gap, given it is women who are more likely to disrupt their career progression to raise

Parents should not be financially disincentivised from caring more equally if they choose to do so, and the enhanced SPL entitlement means that an NHS employee’s pay during SPL will reflect what they actually earn – as is already the case for maternity and adoption rates of pay.

Correcting this imbalance, and improving the standard level of provision for any parent who chooses to take leave to raise their child, is an important milestone in the development of NHS workplace policies to support fathers and partners to share their children’s care in the crucial first year. It is at the heart of breaking down barriers to promoting equality of treatment for the NHS workforce.

The issue

1. Male doctors in the NHS earn 17% more than their female colleagues. There are 32,000 male consultants working in the NHS, compared to only 18,000 female consultants – despite two thirds of doctors in training being women. (Source: [Gender Pay Gap in Medicine Review](#))

2. The Government has said enhanced rates of pay for SPL is important to tackling this phenomenon in the NHS: “Developments in improving the work life balance in the NHS will also contribute to a reduction in the gender pay gap in the NHS”; the new enhanced SPL entitlement is “an important step towards our health service being a more flexible and responsive employer, giving greater choice of how their employees juggle the demands of work and family”. (Source: [Hansard](#))

3. Despite the Government’s public commitment to tackle medicine’s gender pay gap, and evidence of the persistent impact the gap is having on the NHS’s most senior doctors, the DHSC (Department of Health & Social Care) and NHS Employers have decided that consultants and SAS doctors will not be entitled to the enhanced SPL entitlement unless they accept “other [shared] terms and conditions of service”, such as system-wide terms for redundancy payments.

The BMA rejects this position: no other staff group has been asked to trade for the new equalities entitlement; it should apply to every NHS worker, equally.

In addition to the concerning impact of withholding NHS-wide equalities provisions from a targeted group of doctors, the trade being asked of consultants and SAS doctors, itself, is inappropriate.

Applying enhanced rates of pay for SPL across the NHS facilitates each individual, whatever their salary, to take home their normal pay during a period of leave – it impacts every staff member equally, at any stage of their career. Contrastingly, contractual provisions regarding redundancy payments – a cap on payments, for example – cannot be applied uniformly to all parts of the NHS without impacting different staff members, at different stages of their careers, inequitably. Salaries differ, and a system-wide cap does not take that into account; rather it would impact senior doctors, on higher wages, more punitively.

It is for this reason that doctors have largely separate contractual arrangements; these well-established and legally robust, independent bargaining arrangements for their medical contracts take into account the fact that doctors train and work differently to other NHS staff.
The decision by NHS Employers and the DHSC to withhold enhanced occupational rates of pay for SPL from consultants and SAS doctors goes against a modern-day employer’s objective to foster a workplace environment that promotes equality and diversity.

Excluding these doctors also directly contradicts the Department’s specific strategy to use measures like the NHS’s new enhanced SPL entitlement to eradicate the gender pay gap in medicine.

The call to Government
Isolating a particular group of NHS staff, denying them their rightful employment benefit which has been extended to the rest of the system in which they work, goes against a key pillar of the NHS’s 2016-20 equalities objectives:

To improve the recruitment, retention, progression, development and experience of the people employed by NHS England to enable the organisation to become an inclusive employer of choice.

We urge the Government and NHS Employers to extend the enhanced SPL entitlement to all NHS staff with immediate effect.

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2 The NHS 2016-20 equalities objectives can be found here: [www.england.nhs.uk/about/equality/objectives-16-20/](http://www.england.nhs.uk/about/equality/objectives-16-20/) (accessed 02.05.19)