

SAS CONTRACT REFORM NEGOTIATIONS – DRAFT HEADS OF TERMS AGREEMENT

1. Introduction

This Heads of Terms agreement has been agreed by MSG and BMA Scotland representatives as the basis on which the two parties will seek mandates, from the Cabinet Secretary for Health & Sport and from the BMA's Scottish Staff, Specialty Doctors and Associate Specialists Committee (SSASC) respectively, to enter formal contract negotiations.

Should those mandates be given, this agreement will also serve to inform both parties' stakeholders as to why the negotiations are taking place, what and who they will cover, and what they are trying to achieve.

2. Background

MSG and SSASC have been working together since early 2018 on the Improving SAS Doctors Working Lives Group. This Group operated under a framework document which identified a number of areas for discussion, these being:

- Development of SAS Doctors
- Status Value and Recognition
- Recruitment and Retention
- Career Structure for SAS doctors

The framework document allowed for discussion, but not formal negotiation in the above areas.

One of the primary pieces of work undertaken by the Group was two surveys, one on compliance with the SAS Charter and the other in relation to recruitment and retention issues for SAS doctors in Scotland. The former survey resulted in guidance being issued to NHS Scotland in relation to compliance with the Charter and the extant terms and conditions.

Both surveys identified a number of areas which could be looked at in terms of improving recruitment, retention and the attractiveness of the Specialty Doctor grade in Scotland. While pay, terms and conditions, and the structure of the SAS grade in terms of career progression were clearly a matter of concern to respondents, the surveys also painted a broader picture of other issues which could be discussed in effecting improvements in the working lives of this group of doctors, including professional development, increasing SAS doctors' involvement in senior management, clinical, appraisal, and educational roles, and steps to improve the status and recognition of SAS doctors.

MSG and SSASC were also aware that agreement had been reached in other nations within the UK to enter into discussions on contractual reform for SAS doctors. In July 2019, MSG representatives confirmed the Scottish Government's decision not to take part in those negotiations, and its desire to instead pursue a Scottish-level approach to improving the attractiveness of the specialty doctor grade, addressing the Scotland-specific evidence gathered by the surveys referenced above. This decision was informed by views taken from stakeholders, including SSASC who were supportive of this approach.

The Improving SAS Doctors Working Lives Group was reconstituted and a remit formally agreed between MSG and SSASC. Subject to the mandates referenced above, the new remit made provision for discussions on, and possible amendments to, the terms and conditions of service which apply to SAS doctors and dentists in NHSScotland (excluding discussions on annual pay awards).

Following exploratory discussions, both parties have intimated that there are a number of areas related to contractual reform that they now wish to discuss.

3. What do the parties hope to achieve through contract negotiations?

The aim will be to agree elements of reform of the SAS grade, including contractual reform, that:

- meet the service need for high quality patient care delivered by a high-quality medical workforce, supporting service delivery;
- ensure the grade is an attractive proposition to potential new entrants and promote the retention of those already in it, at all stages of their career;
- are easy to understand and administer, in line with other NHS Scotland employment contracts and compliant with UK employment law;
- define access arrangements to the Specialty Doctor grade and any new senior Specialty Doctor grade;
- facilitate career flexibility for those considering entering the SAS grades,
- promote career-long professional and career development;
- facilitate support, in terms of time and opportunity, for access to the specialist register via CESR, demonstrating that progression to consultant posts is a potential career route for those SAS doctors who want it;
- work across all specialties and working patterns, and for both those working full-time and LTFT;
- facilitate and encourage SAS doctors to take up managerial and leadership tasks/roles within the NHS;
- provide value for money to NHS Scotland and align with NHS Scotland's wider medical workforce strategy, in terms of the interaction between the existing Specialty Doctor grade, any new senior Specialty Doctor role and the broader multi-disciplinary teams of which this would form an important part.

4. Who will be covered by the negotiations?

Doctors and dentists in the following grades will be covered by the negotiations:

- Specialty Doctors
- Associate Specialists
- Staff Grades
- Hospital Practitioners
- Clinical Medical Officers
- Senior Clinical Medical Officers
- Non GP Clinical Assistants

5. What areas of the contract will be covered by the negotiations?

Discussions will be broad and consider all aspects of reform of the SAS grade. No contractual aspect will be 'out of scope' of the negotiations. Whilst the Associate Specialist grade will remain a closed grade, discussions will include the potential establishment of a new senior Specialty Doctor grade.

The discussions will incorporate the case for change from current arrangements established by the Improving SAS Doctors Working Lives Group and the benefits for SAS doctors, employing Boards and patients associated with such change.

6. Process

Subject to the granting of a mandate from the Cabinet Secretary and SSASC, formal negotiations will begin as soon as these mandates are received with the aim of reaching agreement for approval, and implementation on 1st April, 2021. If agreement cannot be reached by that date, despite the best endeavours of both sides, it may be necessary to review that date, so that the full benefits of contract reform can be realised to the benefit of the doctors affected and to the service at the same time.

The negotiations will comprise a BMA Scotland negotiating team, representing SSASC and an MSG negotiating team. MSG represents the management side in negotiations on NHS pay and terms and conditions in Scotland and incorporates both Scottish Government and NHS Scotland employers' representatives.

The format, frequency and recording of the negotiating meetings will be agreed between the two negotiating teams.

The negotiating teams will observe confidentiality within the negotiations, subject to the need to report back on progress to their constituent bodies, i.e. MSG (both NHSS employers and Scottish Government) and SSASC. Any public statements made during the negotiations will be jointly agreed by the negotiating teams.

By mutual agreement, the negotiating teams may seek expert advice from third parties to inform the negotiations.

All modelling of any contract proposals, costings etc will be conducted on a joint basis, with full sharing of information between the two parties.

Any agreement will be subject to an Equality Impact Assessment.

Any final 'deal' reached by the negotiating teams will be subject to endorsement by SSASC on one side, and by MSG and subsequently Cabinet Secretary approval on the other. For SSASC this process may involve an indicative ballot of BMA members. The process is outlined in the diagram below:

