

NHSGGC Guidance on Consultant & Specialty Doctor/Specialist Grade/Staff Grade/Associate Specialist (SAS)

This guidance is underpinned by provisions contained within the Terms & Conditions of service:-

**Consultant Terms and Conditions of Service PCS (DD) 2004/2 & 2007/11
Specialist Grade (2022) Terms and Conditions of Service October 2022
Specialty Doctor (2022) Terms and Conditions of Service October 2022
SAS Terms and Conditions of Service PCS (DD) 2008/7
PCS (DD) 2021/01 Annual Leave & Public Holiday Entitlements**

Annual Leave

Consultants are entitled to 6.6 weeks' (33 days) annual leave and SAS Doctors are entitled to 5.6 weeks (28 days)¹. The leave year will run from the date of taking up the appointment of consultant/specialty doctor.

A consultant/SAS doctor will notify their employer when they wish to take annual leave and the granting of such leave will be subject to approved arrangements having been made for his/her work to be done during his/her absence.

All medical/dental staff must formally apply for annual leave to the appropriate medical/general manager, six weeks in advance of the date of the leave request. Leave will be granted subject to approved arrangements having been made to ensure continuity of essential services.

In accordance with the Terms & Conditions of Service and PCS(DD) 2021/01, annual leave entitlement will be calculated by multiplying the average number of days per week the doctor is on duty as agreed in the job plan, including on-call availability, by 6.6 weeks or 5.6 weeks (as above).

Consultants and SAS Grades generally do not work on a 0900-1700 Monday to Friday basis. The variation in working patterns makes it difficult to define a 'working week,' particularly where a full-time consultant/SAS delivers their contractual sessions over less than 5 days or works a number of Programme Activities (PAs) over a set cycle, making it difficult to identify a standard week.

The 'working week' includes the days on which the consultant/SAS is carrying out PA activity, including Non DCC time (even if flexible). Please note that there is no additional leave for performing on-call work on weekend days where toil has been allocated to take account of emergency work (undertaken during or as a consequence of on-call).

NB In accordance with the T&Cs (para 7.1.1) annual leave will be calculated in days. Only by exception where it is difficult to define a standard working week will annual leave be calculated in hours.

¹ Doctors who have completed a minimum of two years' service in the specialty doctor grade and/or in equivalent grades or had an entitlement to 6.6 weeks' annual leave a year or more in their immediately previous appointments shall be entitled to annual leave at the rate of 6.6 weeks' a year. Doctors who have less than two years' service shall be entitled to leave at the rate of 5.6 weeks' a year

Example 1

A full-time clinician works Monday – Friday with no on-call commitments.

This clinician would be entitled to 33 days (5 days x 6.6 weeks) annual leave. If clinician wanted to take a week off, they would need to request 5 days annual leave.

Example 2

A full-time clinician works Monday – Friday with an on-call commitment overnight during the week and at the weekends. Flexible SPA time has been scheduled on a Wednesday in the Job Plan, which allows the clinician to work at home.

This clinician would be entitled to 33 days (5 days x 6.6 weeks) annual leave. If clinician wanted to take a week off, they would need to request 5 days annual leave.

Example 3

A full-time clinician works Tuesday – Friday with an on-call commitment overnight during the week and at the weekends. Toil has been scheduled on a Monday in the Job Plan, as an alternative to payment for emergency work undertaken during or as a consequence of on-call, and as such does not count as a working day.

This clinician would be entitled to 26.5 days (4 days x 6.6 weeks) annual leave. If clinician wanted to take a week off, they would need to request 4 days annual leave.

Example 4

A full-time Specialty Doctor with less than 2 years' service in the grade works Monday to Friday. The doctor works on the Resident Doctor rota and undertakes a full-shift overnight on the Monday night, meaning that there are no daytime commitments on either Monday or Tuesday in the Job Plan i.e. rest days, but the doctor still works on all five days of the week. This Specialty Doctor would be entitled to 28 days (5 days x 5.6 weeks) annual leave. If clinician wanted to take a week off, they would need to request 5 days annual leave.

Example 5

A part-time clinician is paid 6 PAs per week and works Monday – Wednesday with no on-call commitments.

This clinician would be entitled to 20 days (3 days x 6.6 weeks) annual leave. If clinician wanted to take a week off, they would need to request 3 days annual leave.

Example 6

A part-time clinician is paid 8 PAs per week. Normally the regular working week would be 4 days, but they have an on-call commitment overnight during the week and at the weekends. Toil has been scheduled on a Monday in the Job Plan, as an alternative to payment for this emergency work undertaken during or as a consequence of on-call, and as such does not count as a working day. The Clinician's regular working week is therefore Tuesday to Thursday

This clinician would be entitled to 20 days (3 days x 6.6 weeks) annual leave. If clinician wanted to take a week off, they would need to request 3 days annual leave.

Example 7

A clinician's working pattern varies from week to week so there is no regular working week.

In this case the entitlement may be converted into hours e.g. 6.6 weeks x 40 hours. If the clinician wanted to take a week, clinician should request the exact hours on duty for that working week and deduct from the overall entitlement.

Public Holidays

A full-time clinician is entitled to 8 days public holidays in addition to their annual leave entitlement.

A part-time clinician is entitled to such public holidays on a pro-rata basis, determined by the number of days (or part days) worked per week.

Public holidays should be taken in accordance with Section 2 of the General Whitley Council Conditions of Service, as amended, or days in lieu thereof. A clinician who in the course of duty was required to be present at a hospital or other place of work, or undertaken complex telephone consultations, between the hours of midnight and 9am on a public holiday will receive a day off in lieu at a time of the doctor's choosing subject to the contingencies of the service.

NB If public holidays have been incorporated into the calculation of programmed activities in the Job Plan you are entitled to a day off in lieu for working a public holiday but no payment.

It should be clear from your job plan whether or not Public Holiday work has been included in the OOHs calculation. Each directorate should have a clear mechanism for claiming time of in lieu and payment if applicable.

Example 1

A full-time clinician works Monday – Friday

This clinician would be entitled to 8 days Public Holidays. These days should be taken as per the public holiday calendar each year.

Example 2

A full-time clinician works Tuesday – Friday (condensed days). This clinician would be entitled to 8 days public holiday. As they don't work Monday, they should add any public holidays falling on a Monday to their annual leave and deduct a day when the public holiday falls on Tuesday-Friday.

Example 3

A part-time clinician works Monday – Wednesday. This clinician would be entitled to 5 days public holidays. Depending on the days the public holidays actually fall on each year this entitlement may not be enough to cover all public holidays. If they have exhausted their public holiday entitlement and require to take another public holiday off, they will be required to use their annual leave entitlement.

Example 4

A full-time clinician is job planned to work 9-5 on Mondays. On a Monday Public holiday, they are required to work in the hospital from 9am and arrive home at 1pm.

This consultant is entitled to a 4hour uplift in pay, which is 4×0.33 of their normal hourly rate and should take their public holiday at another time i.e. a day off in lieu.

Example 5

A full-time clinician is job planned to work 9-5 on Mondays. On a Monday Public holiday, they are required to work in the hospital between 6pm and 9pm.

This consultant is entitled to 3hours at premium rates (1.33xbasic) and should take their public holiday at another time i.e. a day off in lieu.

Example 6

A full-time clinician is job planned to work on Fridays. On a Public Holiday Friday, they are on call but not called. They are not entitled to any extra pay and should take their public holiday at another time i.e. a day off in lieu.

Example 7

A full-time clinician is not job planned to work on Fridays. On a Public Holiday Friday, they are on call and called in from 9am until 4 pm.

This consultant is entitled to 7 hours at premium rates (1.33 x basic) and should take their public holiday at another time i.e. a day off in lieu.

Example 8

On a day prior to a Public Holiday a full-time clinician is on call and is called in to work at 10pm, they do not get home until 4am.

The unpredictable average hours attributed to on-call will already have been factored into the job planned PAs, therefore, the full-time clinician will not be entitled to any extra pay but should take their public holiday at another time i.e. a day off in lieu.