

**HUMAN RESOURCES DIRECTORATE
PAY AND EMPLOYMENT UNIT**



Department of
**Health, Social Services
and Public Safety**

An Roinn

**Sláinte, Seirbhísí Sóisialta
agus Sábháilteachta Poiblí**

www.dhsspsni.gov.uk

Room D.1, Castle Buildings,
Stormont Estate,
BELFAST
BT4 3SR

Tel: 028 9052 2375
Fax: 028 9052 2912

eMail: p&e@dhsspsni.gov.uk

Circular HSS (TC8) 3/2006

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**Chief Executive of each HPSS
organisation¹**

For information:

Director of Human Resources
Director of Medical Services
Director of Public Health
of each HSS Trust /Board

cc: British Medical Association

Dear Colleague

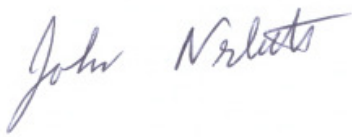
**INTERPRETATION OF PAY PROTECTION WITHIN DOCTOR'S TERMS AND
CONDITIONS OF SERVICE**

1. Since the introduction of the junior doctors' contract in December 2000 there has been confusion over the interpretation of those provisions in the terms and conditions of service handbook relating to pay protection. This has led to considerable difficulty in ensuring that a common approach is adopted across the HPSS.
2. NHS Employers has produced guidance on the interpretation of the pay protection provisions to help establish a consistent approach. This Department agrees with the guidance issued by NHS Employers and commends it to Trusts.
3. I enclose a copy of the guidance and would ask you to note the following points:
 - This interpretation is effective in NI from 1 June 2006;
 - Pay protection applies to all posts, including future contracted posts in a rotation from the date the employer or authorized agent offers a specified post to the doctor and the doctor formally accepts the contract;

¹ Health and Social Services Boards, HSS Trusts, the Central Services Agency (CSA) the Health Promotion Agency, the Northern Ireland Medical Physics Agency, the Northern Ireland Guardian Ad Litem Agency, the Northern Ireland Practice & Education Council for Nursing and Midwifery, Northern Ireland Social Care Council, the Northern Ireland Medical and Dental Training Agency and the Northern Ireland Health and Personal Social Services Regulation and Improvement Authority.

- Protection applies at the banding in place at the time of such acceptance and contract;
 - Trusts and NIMDTA should have processes in place to ensure that there is a formal offer and acceptance of the contract; and
 - Future bids for pay protection funding should be made in accordance with this guidance.
4. It should be noted that the guidance does not represent legal advice, and employers should seek their own legal advice on a case by case basis. The guidance is based on current interpretation and employers will be advised of any amendments as necessary.
5. Any enquiries should be directed to Pay and Employment Unit on 028 9052 2375 (e-mail p&e@dhsspsni.gov.uk).

Yours sincerely

A handwritten signature in cursive script that reads "John Nesbitt".

John Nesbitt
Assistant Director of Human Resources