# transfer of Doctors in Training on National Programmes and East/North Cross-regional Programmes

## What is THE TRANSFER?

All Doctors in Training on a National Programme or an East/North Cross-regional Programme will transfer to NHS Education for Scotland (NES) employment. The transfer will take place in February 2020.

## wHAT ARE THE REASONS FOR THE TRANSFER?

The lead employer arrangements were implemented across Scotland to improve the doctor in training employment journey as follows:

* less employment related administration and duplication of information provided;
* a single contract of employment for the duration of a programme;
* reduced tax issues;
* continuous service with one employer making it easier to access employee benefits; and
* clearer employment arrangements for money lenders (e.g. mortgages/ cars/ credit rating).

In August 2018, national programme trainees were allocated by programme across the 4 lead employing Boards. Following initial implementation of these arrangements in August 2018, feedback from national programme trainees was that it did not make sense for their employer to be a Board in a region in which they would never be working and that this was causing confusion across the system. Therefore, the driver for the transfer of the employment of national programme and cross regional trainees to NHS Education for Scotland is to improve the trainee employment journey by aligning the contract of employment to a national Board, and as a result improve visibility around business processes for these doctors in training.

This transfer has been agreed in partnership and following consultation by the current employing Boards with the British Medical Association.

## What IS TUPE and how will this affect me?

The Transfer of Undertakings (Protection of Employment) Regulations 2006 (commonly referred to as TUPE) will apply to transfer the contracts of employment and the continuity of employment of all Doctors in Training on a National or East/North Cross-regional Programme currently employed in NHS Grampian, NHS Greater Glasgow and Clyde, and NHS Lothian.

The TUPE Regulations 2006 provide for the protection of employees in the event of a change in the employer, in particular, to ensure that their rights are safeguarded. This means that when the transfer takes place, your contract of employment will be taken up by NES and you will transfer and remain on your current terms and conditions of employment, including your continuity of employment.

Under the TUPE transfer it is not envisaged that there will be any other legal, economic or social implications of the transfer for the affected employees. There will be no impact on pension scheme arrangements as all NHS Scotland Boards are part of the NHS Superannuation Scheme (Scotland), which is administered by the Scottish Public Pensions Agency (SPPA).

## Can I object to the transfer?

Under TUPE Regulations, affected employees do have the right to object to the transfer. Please be aware that the legal effect of objecting would be that:

* Your employment with your current employing board would automatically terminate by operation of law with effect from the date of transfer, and there would be no automatic transfer to NHS Education for Scotland
* There would be no entitlement to either statutory or contractual compensation

## WHO CAN I CONTACT TO SPEAK TO ABOUT THIS?

If you have any queries or would like a to have a meeting to discuss this, please email the below contact within your current employing board:

NHS Lothian – Jackie Houston jackie.houston@nhslothian.scot.nhs.uk

NHS Grampian – Avril Purvis avril.purvis@nhs.net

NHS Greater Glasgow & Clyde – FAO Kenny Tracey, Recruitment-st@ggc.scot.nhs.uk