



02 July 2019

Deputy Seán Fleming  
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Portlaoise  
County Laois  
Via email: [sean.fleming@oireachtas.ie](mailto:sean.fleming@oireachtas.ie)

Re: PQ Ref 25553/19

**Parliamentary Question:**

***To ask the Minister for Health if the HSE will facilitate all hospital consultants that were on the 1997 consultants contract that commenced before 2008 to switch to the 2008 contract arising from the High Court decision on 15 June 2018 prior to which the HSE was not honouring the contract until decided upon by the Court; if the contracts will be made available to all those on such contracts and not only those that had taken a case against the HSE; if these consultants can be put on the SA A2 point on the payscale in order to ensure there is no discrimination against senior consultants that were earlier entrants with more experience; and if he will make a statement on the matter.***

- **Deputy Seán Fleming**

**HSE Response:**

Dear Deputy Fleming,

The Health Service Executive has been requested to reply directly to you in the context of the above Parliamentary Question, which you submitted to the Minister for Health for response.

The procedure for the submission to the HSE of requests for the re-categorisation of Consultant posts under the Consultant Contract 1997 is contained in Section 3.10.2 – 3.10.4 of the Memorandum of Agreement attached to the Consultant Contract 1997. There is a process in place within HSE National Doctors Training and Planning (NDTP) for a consultant who wishes to apply to change their contract.

The HSE determines movement between categories for those consultants employed by the HSE and non HSE employers seek the determination of the HSE prior to taking any action regarding movement between categories of Consultants in their employment.

In respect of Consultant Contract 2008, Section 23 of Consultant Contract 2008 sets out the provisions that apply to a request for a change of contract type. There is a process in place within HSE National Doctors Training and Planning (NDTP), for a consultant wishing to change their contract. The employer with the sole or major interest in the post submits an application form complete with the necessary required documentation to the office of the Hospital Group CEO or equivalent. The application will then be considered by the Consultant Application Advisory Committee (CAAC). The HSE determines changes in Contract type for all consultants.

An outline of the processes in respect of Consultant Contract 1997 and Consultant Contract 2008 is linked on the HSE website:

<https://www.hse.ie/eng/staff/leadership-education-development/met/consultantapplications/doc1/>

Those consultants who do switch contract in the future are not eligible to apply for consideration under the Terms of Settlement; retrospection applies only to those consultants who meet the eligibility criteria of the Terms of Settlement.

Yours sincerely,



Edna Hoare, Assistant National Director  
National HR, Health Service Executive