



14th July 2022

Deputy David Cullinane
Dáil Eireann
Leinster House
Kildare Street
Dublin 2

PQ Ref: 37425 /22

To ask the Minister for Health the process involved for allowing consultants to switch from Type B to Type C contracts

National Doctors Training and Planning (NDTP) Response

Dear Deputy Cullinane,

The process for allowing consultants to switch from Type B to Type C contracts is set out below and is also available on our website at the following link:

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

Application for Type C Contract

The Application for Type C Contract (under the Consultants Contract 2008) is for all requests for a change of contract to Type C or designation of an approved post as Type C. The employer with the sole or major interest in the post submits this application form complete with the necessary documentation to the office of the Hospital Group CEO or equivalent.

Type C applications can be submitted from the Clinical Site, via the relevant CHO or Hospital Group to the Consultants Division by email: typpec.applications@hse.ie

Procedures for change in Type of Contract under the Consultants Contract 2008

1. Provisions of Consultant Contract 2008 re change of Contract Type

Section 22 of Consultant Contract 2008 states:

- a) "Consultants may apply to change Contract Type to Type A, B or C at five-yearly intervals. An appeals process is set out at Section 22 (d) below.
- b) Those Consultants who previously held a Category I or Category II Contract under the Consultants Contract 1997 may, 2 years after accepting the Consultant Contract 2008 and thereafter at 5 yearly intervals, make application to the Health Service Executive Consultant Applications Advisory Committee¹ to transfer to Contract Type B*. A decision on such application will be made by the HSE following the advice of the Committee. Applicants must demonstrate that the change in Contract Type is consistent with the public interest and that there is a demonstrable benefit to the public health system.
- c) Where significant changes occur in a particular area in the delivery of acute hospital care (e.g. hospital closures or major changes taking place in the character of the work being carried out there²) or where the

volume of private practice is significantly below 20% of total clinical workload, the Consultant shall be entitled to have his/her Contract Type reviewed by the Health Service Executive Consultant Applications Advisory Committee / Type C Committee within the 5 year period.

d) Applications for change of Contract Type A, B or B* will be considered by the Health Service Executive Consultant Applications Advisory Committee together with the Employer's views on the application. A decision on such application will be made by the HSE following the advice of the Committee. Applications for change of Contract Type to Contract Type B* will be considered subject to the condition that the total number of Consultants holding B*, Type C and Category 2 Contracts will be subject to an upper limit of such posts within the system. In the event that the HSE does not accede to the request, the Consultant may refer the matter to the Independent Appeals Panel for a recommendation. The Independent Appeals Panel shall be composed of:

- an Independent Chairperson,
- a representative of the Consultant (e.g. from the relevant medical organisation), and
- an Employer representative.

e) Appointments for reclassification to a Type C post will be considered by the Health Service Executive Type C Committee¹. A decision on such application will be made by the HSE following the advice of the Committee. Applications for change of Contract Type to Type C will be considered with reference to the total number of Consultants holding Type B*, Type C and Category II Contracts not exceeding the specified limit. In the event that the Type C Committee does not accede to the request the matter will be referred to Chief Executive Officer of the Health Service Executive for a final decision."

2. Role of the HSE regarding movement between Contract Types

Section 57 of the Health Act, 2004 transferred a number of statutory functions previously performed by Comhairle na nOspidéal to the HSE with effect from 1st January 2005. These included regulating the number and type of appointments of consultant medical staff.

Under the Consultant Contract 2008, the HSE determines changes in Contract Type for all Consultants. The HSE will seek the advice of the Consultant Applications Advisory Committee or the Type C Committee on each application, as appropriate.

3. The role of the Type C Committee

The role of the Type C Committee, which was established in accordance with the provisions set out in the Consultants' Contract 2008, is to make recommendations to the HSE on applications for Type C posts. This advice is then provided to the Chief Executive Officer of the HSE for a final decision on requests for Type C posts.

Where a Type C post is requested, the applicant organisation will be required to satisfy a number of criteria pertinent thereto, which would include but not be limited to the following:

- A clear indication as to why the post requirements cannot be met through a Type A or B arrangement;
- A clear demonstration as to the added patient, service and public system benefits and values to be achieved through establishment of the post as a Type C rather than a Type A or B position.

In considering such requests the Type C Committee are informed by correspondence from the Chief Executive Officer of the HSE to the Chairperson of the Type C Committee (letter dated 30th Aug 2013) that such approval can only be made if it can be clearly demonstrated that there exceptional circumstances pertaining. Therefore, the Committee should seek the submission by the requesting location of a business case and supporting evidence of a clinical services need to demonstrate the exceptional nature of the request.

4. Procedure for submission of requests for Type C contracts under Consultant Contract 2008

The primary employer submits an application from an individual consultant or in respect of a vacant approved post for Type C contract to the Hospital Group CEO. The Hospital Group CEO confirms by way of letter that they have reviewed the request and are satisfied that the request does or does not demonstrate the exceptional circumstances necessary to warrant a Type C Contract and makes a recommendation that the request for a Type C Contract be acceded to, or not acceded to. The application is then submitted to the Consultants Division.

The Consultants Division reviews the documentation to ensure that all documentation required by has been included and all documents are appropriately signed. Where documentation is not complete, the Consultants Division will notify the office of the Hospital Group CEO of the outstanding items.

When the documentation is in order it is forwarded to if the first instance to the National Director of the Acute Hospitals Division to endorse or not endorse the recommendation of the Hospital Group CEO (or equivalent) and then to the National Director of Human Resources to confirm that the request is within or is not within the upper limit for CAT 2 / Type B* / Type C appointments (as set out in Appendix VII of the Consultants' Contract 2008). This is referred to as the Corporate Sign Off process.

When the required corporate sign off has been received from the National Direct of the Acute Hospitals Division and the National Director of Human Resources the application is included on the next available agenda of the Type C Committee

for consideration.

The Type C Committee makes a recommendation on the application.

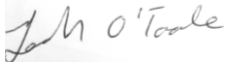
The recommendation of the Type C Committee and all documentation relating to the application is submitted to the HSE CEO for final decision.

The HSE CEO makes a final decision to accede to or not to accede to the request.

A letter issues from the HSE CEO to the individual approving or not approving the request for a change in contract, copied to the employer and the Consultants Division.

[Guidance note on completion of Benefit Reports for Type C Committee](#)

Yours sincerely,

A handwritten signature in black ink that reads "Leah O'Toole". The signature is written in a cursive style.

Leah O'Toole
Assistant National Director