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Acmhainní Daonna**

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Each Hospital Group CEO
Each Hospital Group Director of HR
Each Chief Officer CHOs
Each Head of HR CHOs
Head of HR, PCRS
Each CEO, Section 38 Agencies
Each HR Manager, Section 38 Agencies
Each Employee Relations Manager
Each Clinical Director**

From: Anne Marie Hoey, National Director of Human Resources

Date: 3rd March 2023

Re: HR Circular 008/2023 - Public Only Consultant Contract 2023

Dear Colleagues,

The purpose of this Circular is to convey approval for the implementation of the new Public Only Consultant Contract 2023 (hereafter referred to as 'POCC23') for relevant medical staff providing services under the Health Acts, with effect from the 8th March 2023. This new contract was proposed in the Sláintecare Report, was recommended by the De Buitléir Group and is a commitment in the Programme for Government. POCC23 will result in a phased elimination of private care from public acute hospitals. It is a significant step towards transforming how we deliver healthcare in Ireland, building towards an integrated health service with access to services for every citizen based on patient need and not on ability to pay. The implementation of this new contract will maintain the momentum of reform and improvement in our health services.

POCC23 is the only contract of employment that may be offered to new consultants, consultants who wish to transition from existing consultant contracts, or consultants changing employers, from 8th March 2023.

A copy of the template contract is attached at Appendix A and will be used by various public health service employers. Most consultants in the public service are employed by the HSE or Section 38 agencies. Some text in the template is specific to the HSE. That text may be amended in the relevant clauses where the employer is a different public health service employer.

POCC23 will be offered to all existing consultants holding existing or previous consultant contracts of employment and an invitation to transfer to the new contract will be issued to each consultant employed. That invitation will include details of transition arrangements. POCC23 is offered in the following circumstances:

- (a) A permanent contract for newly-appointed consultants, where the person receiving the contract was not already a consultant employed by the same employer;
- (b) A permanent contract for existing consultants, who will exchange their former contracts for new contracts, subject (in some cases) to some transitional provisions (set out in Appendix 9 of POCC23). This option applies where the person receiving the contract was (before making this contract) already a consultant with the employer;
- (c) A specified purpose contract, which would apply where the consultant is not permanent but is, for example, covering a period of maternity leave for an existing consultant (or some other contingency whose end date is not certain). This option applies for temporary contracts where it is not known how long the contract will last. An indicative end date should **not** be included in this contract;
- (d) A fixed-term contract, which would apply where the contract is for a prescribed period (such as “one year”). This option applies where it is known exactly how long the contract will last, for example if external funding will expire on a certain date. This option should not be used to cover long-term leave of a colleague (for example, maternity leave) because it is not possible to know for certain how long such leave will last.

The contract significantly changes the relationship that exists between public and private practice of consultants in the public health service. Clause 24 (in the main) facilitates consultants engaging in private practice in private facilities provided such practice is conducted outside of the consultant’s public service work plan. This clause complies with the Transparent and Predictable Working Regulations 2022, which limits the circumstances in which an employer can restrict an employee from engaging in external work.

The standard full-time working week is 37 hours. However, we are committed to being as flexible as practicable in facilitating reduced working hours for consultants provided the purpose of seeking such reduced hours is to support family and caring arrangements. The consultant’s working hours will be scheduled to occur within a specified time range between 8.00am and 10.00pm on rostered Mondays to Fridays and between 8.00am and 6.00pm on rostered Mondays to Saturdays. This will significantly improve the delivery of medical care to patients and service user as consultant-delivered services will be available for a greater range of hours than heretofore.

POCC23 provides clarity about the roles and responsibility of the parties, especially in cases where the consultant is contracted to work in multiple services. It also identifies the consultant's line manager. This is normally a clinical director or (in the case of mental health services) an executive clinical director. There are a very small number of roles for which a different person is the consultant's line manager.

POCC23 offers a very significant salary for consultants. In addition to basic salary, certain other specific payments are available including on-call, a twilight premium, overtime payments for certain agreed overtime work and Sunday and public holiday premia. There is also a significant increase in professional competence supports. Salary scales and allowances for POCC23 are set out in Appendix B.

POCC23 provides that the employer will review the consultant's performance during their employment at a minimum once per year. Such reviews will normally involve structured discussions between the consultant and their line manager.

To assist with the implementation of POCC23, a number of detailed documents are available, at the following location www.hse.ie/eng/staff/resources/hr-circulars/hr-circular-008-2023-public-only-consultant-contract-2023.html, including:

- Frequently Asked Questions (FAQs)
- Explanatory Notes:
 - General Explanatory notes
 - Expanded Explanatory notes (for Clinical Directors, Medical Manpower Managers, Senior Management)
 - Short Explanatory notes (for candidates)
 - Differences between 2008 and 2023 contracts
- Continuing Medical Education (CME) Guidance
- Innovation Fund Guidance
- Rostering Principles
- Checklist for implementing the Public Only Consultant Contract for new Consultants.

Guidance about how consultants may apply and be permitted for external working will be made available in a short number of weeks.

The recording of an explanatory webinar hosted by National HR on the new Public Only Consultant Contract 2023 is also available for your information at <https://youtu.be/FKShxLS2Nrl>

Consultant Applications

Consultant Applications will continue to be processed in the same manner as currently with the CAAC remaining paramount in providing advice to the HSE in matters relating to the regulation of consultant posts in the public health system. With the introduction of POCC23, the Consultant Application process will be extended to other consultant posts including, but not limited to, consultants in public health medicine, consultant orthodontists, consultant

dental surgeons. The membership of CAAC will be expanded to include appropriate representation from these specialities.

In relation to replacement posts, as these have already been approved and relate to the ongoing provision of services, it will not be a requirement for the application to be presented to CAAC unless it requires significant restructuring from the original approval. In order to issue a Letter of Approval for a replacement post the process will be refined to require a letter from the Hospital Group CEO or Chief Officer, as appropriate, and submission from the relevant National Clinical Lead indicating there is no significant restructuring from the original approval. The Consultants Division of NDTP will liaise with sites as to the submission of these documents via the Consultants Application Portal (CAP). Once received and confirmation that the post does not involve significant restructuring from the original approval, a Letter of Approval will be prepared. In the event that the post does involve significant restructuring the post will be considered as a normal application and proceed to CAAC for its consideration.

Queries

Queries regarding consultant applications and CAAC process should be referred to Consultants Division, National Doctors Training and Planning, email consultant.applications@hse.ie

Queries from individual employees or managers on the remainder of the Circular should be referred to local HR/Medical Manpower/Employee Relations Departments. Please note that the National HR Helpdesk is also available to take queries from employees, tel 1800 444925, email ask.hr@hse.ie

Queries from HR/Medical Manpower/Employee Relations Departments on the remainder of the Circular may be referred to Barbara Whiston or Lisa Walsh, National Employee Relations, HR Directorate, 63-64 Adelaide Road, Dublin 2, tel 01-662 6966, email info.t@hse.ie

Yours sincerely,



Anne Marie Hoey
National Director of Human Resources