



Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive

Oifig an Stiúirthóra Náisiúnta, Acmhainní Daonna
Feidhmeannacht na Seirbhíse Sláinte
Ospidéal Dr. Steevens'
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To: Each Member of the Directorate and Leadership Team
Each Assistant National Director, HR
Each Chief Officer, CHO
Each CEO, Hospital Group
Each CEO, Section 38 Agency
National Clinical Advisor and Group Lead Acute Hospitals Division
National Clinical Advisor and Group Lead Mental Health Division
Each Employee Relations Manager
HR Senior Staff

From: Rosarii Mannion, National Director Human Resources

Date: 17th July, 2017

Re: **HR Circular 021/2017 re Qualifications required for Consultant Posts**

Dear Colleagues,

I refer to the Procedures for regulation of Consultant Appointments dated 20th October 2009, HSE HR Circulars 14 / 2009, 008/2010, 009/2012, 021/2015 and 016/2017 and 'Successful Consultant Recruitment, Appointment and Retention – Report and Guidance issued in February 2017.

Each of these documents highlighted the need to ensure that any Consultant appointed in the public health service held the qualifications required to safely work at Consultant level.

Regulation of Consultant posts under law

In that context you will be aware that Consultant posts in publicly-funded hospitals, Mental Health Services and health agencies are regulated under law.

Between 1971 and 2004 posts were regulated under the Health Act 1970 by Comhairle na nOspidéal, an independent statutory body under the Department of Health. From 1st January 2005 Section 57 of the Health Act, 2004 transferred the regulation of the number and type of appointments of Consultant medical staff from Comhairle na nOspidéal to the HSE.

The HSE's regulatory function covers all Consultant appointments in the public health service in Ireland including the HSE hospitals, voluntary hospitals, Mental Health Services and other agencies whether

additional, replacement, temporary or locum and irrespective of the extent of the commitment involved or source of funding of the appointment. It includes:

- new and replacement permanent Consultant posts;
- locum and temporary (non-permanent) Consultant posts;
- structuring / restructuring of Consultant posts;
- determination of the Type of Contract / Category of Contract to apply to Consultant posts and various functions relating to changes in Type of Contract / Category of Contract;
- determination of the qualifications to apply to Consultant posts;
- determination of the title of Consultant posts.

Qualifications require membership of specialist division of Medical Register

In March 2008 the HSE amended the qualifications specified for Consultant posts to require membership of the specialist division of the Register of Medical Practitioners maintained by the Medical Council. Consultant Contract 2008 reflects this requirement.

Approval required to make Consultant appointments

Taking account of the regulatory functions of the HSE, health service employers are required to seek the prior approval of the HSE before making a Consultant appointment (whether permanent or non-permanent) and comply with the HSE Letter of Approval in making the appointment.

The purpose of regulation is to ensure that persons employed as Consultants in the public health service are appropriately qualified and competent to provide services as Consultants. Breaches by an employer of the HSE's regulatory requirements have significant implications for the organised and safe delivery of Consultant services. Individuals represented to the public as Consultants in the public health system must be appropriately qualified and competent to perform the duties and functions of a Consultant. Such individuals must be employed in regulated and approved posts – where the HSE has assessed the viability of and need for the post with regard to the safe delivery of Consultant services.

Fixed Term Work Act

The Protection of Employees (Fixed Term Work) Act, 2003 has particular implications for health employers offering repeated fixed-term (temporary and locum) appointments to individual candidates as repeated appointments can result in employees acquiring contracts of indefinite duration.

Service issues arising from appointments where requirements are not met

You will be aware of certain issues which have arisen in the past in relation to both the recruitment and the practice of a small number of individuals. In some instances these have been the subject of comment in reports undertaken by HIQA and others.

The HSE is determined that any risks arising from the process of recruitment of Medical Consultants, be it to permanent, temporary or locum posts are mitigated and eliminated to the maximum extent.

The HSE's procedures are intended to ensure that:

- Persons employed as Consultants in the public health service are appropriately qualified and competent to provide services as Consultants.

- The HSE complies with the terms of its Recruitment Licence in the appointments of locum and temporary Consultants
- Those accountable and responsible for the recruitment of temporary and locum Consultants are aware of their responsibilities.
- The recruitment and selection process is monitored and audited and
- The HSE complies with its statutory obligations in relation to these matters.

Steps to be taken by Hospitals / Mental Health Services / Agencies

Taking the above into account and noting previous communications regarding the National Doctors Training and Planning DIME database, you should immediately take steps to ensure that:

- information regarding each Consultant in the employment of your service / agency is properly recorded on the database. Friday 18th August 2017 personnel in HSE Human Resources will link the relevant HSE national division for resolution to assist during this period of existing applications for new or replacement Consultant posts pending resolution of the matter.
- A risk mitigation plan is in place for each Consultant post where the appointee does not hold the qualifications specified for the appointment by the HSE. This plan should set up access to an appropriate arrangement for senior clinical oversight as required.
- Ensure that specified purpose rather than fixed term contracts are used to engage non-permanent Consultant staff and that such specified purpose contracts are not renewed in a that would create a liability for award of a contract of indefinite duration.
- Identify an early contract end date for those temporary / locum doctors in your employment who do not hold the qualifications required for the post they occupy and ensure that employment is terminated at that point. This applies particularly to doctors employed via an agency). NDTP DIME database to be updated accordingly
- Identify those Consultants engaged prior to March 2008 who do not hold Specialist Division registration and liaise with National Doctors Training and Planning (email: doctors@hse.ie) to support them in achieving same.

Queries

Employees and Managers should address any queries that they may have regarding these arrangements to their local HR Department.

Queries from HR Departments may be referred to Andrew Condon, Medical Workforce Lead – Email: Andrew.condon@hse.ie

Yours sincerely,



Rosarii Mannion
National Director of Human Resources