

SCHEDULE OF TERMS AND CONDITIONS OF EMPLOYMENT Part II

1. Place of Employment

This appointment is specifically not designated as being permanently in one place. Should it be necessary to consider transferring employees from one location to another every effort will be made to bring about the transfer by agreement with the least possible inconvenience to staff.

2. Previous National Health Service Employment

For the purposes of the Employment Protection (Consolidation) Act 1978 only employment with this employing Trust may count as part of continuous employment. Part I of this Statement will show the date on which the continuous employment is deemed to have started. The Pensions Regulations and certain Trust agreements (e.g. those relating to maternity leave, redundancy, annual leave and sick pay) use different methods of taking previous service into account in determining entitlements, and reference should be made to the appropriate documents.

3. Method of Payment

The preferred method is direct credit transfer into your Bank/Building Society/Giro Bank Account.

4. Salary for Part-Time Appointments

Salaries for part-time appointments will be paid pro rata to the full-time salary.

5. Annual Leave/Statutory and Public Holidays

(i) Leave entitlement in the year of entry is proportionate to complete months of service. Any excess leave taken in the year of termination may be recovered by the Trust.

(ii) In addition to annual leave, all staff are entitled to National Bank Holidays plus two other extra-statutory days which are added to the annual leave entitlement.

6. Duties

(i) Employees may be required as a condition of employment to undertake duties not specified in the job description, but which may reasonably be required and which in the opinion of the Trust they should be capable of performing within their grade.

(ii) Temporary Changes in Duties:

During periods when members of staff are absent, employees may be required to accept different responsibilities to those which they normally perform.

7. **Sick Leave and Absence**

(i) Notification

As soon as you know that, for any reason, you will not be able to carry out your next period of duty you must inform your immediate or more senior Manager in accordance with the reporting procedure for your department.

(ii) Certificates

Depending on which professional discipline you come under you will need to be covered by a self-certificate either from the fourth working day or from the third calendar day following the first working day lost. Whichever regulations apply, the self-certificate must be submitted to your department within seven calendar days of your first day of sickness (a certificate posted within this time but received later is also acceptable).

If a certificate is late, then providing you notify your Manager by the required time on the first day you will be paid for the first three days (the uncertified period) followed by no pay until the certificate is received. You will still have a right to actual Statutory Sick Pay (if eligible) during the no pay period. If no notification whatsoever is received from you there will be no entitlement to occupational or statutory sick pay.

If sickness continues beyond the first week you are required to be covered by a medical certificate. Such certificates should be received by your Manager within a week of the expiry of your last certificate.

(iii) Sick Pay Entitlement

Sick pay entitlement is as set out in the table below. The period for which the allowance is payable is calculated by deducting on each occasion the amount of sick leave taken in the preceding twelve months. National Insurance benefits are deductible on the basis laid down in the Whitley Council agreements and the Employment Protection (Consolidation) Act 1978.

Period of continuous service (as defined in the Whitley agreement)	Period at Full Pay	Period at Half Pay
Less than 4 months	1 month/Nil*	Nil
Over 4 and up to 12 months	1 month	2 months
Over 1 year and up to 2 years	2 months	2 months
Over 2 years and up to 3 years	4 months	4 months
Over 3 years and up to 5 years	5 months	5 months
Over 5 years	6 months	6 months

*ASC

(iv) Statutory Sick Pay

In addition to NHS sick pay, employees (who qualify) will be entitled to Statutory Sick Pay. Under the Social Security and Housing Benefits Act 1982, the Trust is responsible for paying Statutory Sick Pay for the first 28 weeks of sickness in any tax year. Details of the operation of the Scheme, categories excluded from it, conditions of transfer from SSP to the State and the procedure for non-payment are outlined on a form available from the Personnel Department.

8. Pensions

The NHS Pension scheme is recognised as a good occupational pensions scheme and has been commended by Staff Organisations. If you are undecided about your choice of pension arrangements on commencement of your employment and you are eligible to join the scheme YOU WILL BE AUTOMATICALLY BROUGHT INTO THE SCHEME. If you decide not to continue membership of the scheme you should obtain form SD502 from the Pensions Officer. Provided you return this form completed to the Pensions Officer before the end of your first pay period after you begin work, the Trust will arrange to make any adjustments to your pay and National Insurance contributions from your commencement date. If you decide to leave the scheme after membership has continued for one pay period or more, then in addition to completing form SD502 you will need to complete form RF12 to obtain a refund of contributions (less deductions) from the Pensions Division, Fleetwood. Full details of the scheme are in the 'Guide to the NHS Pensions Scheme' which is available from Personnel.

The Pensions Officers (Tel. no. 020 7380 9547) can give further advice on the provisions of the NHS scheme but it is emphasised that the decision on which pension arrangement to make must rest at all times with the individual employee.

9. Notice of Termination of Employment

Employees are entitled to receive a written minimum period of notice in accordance with the table below. However, Part I of this Statement may provide for a longer period.

Period of Continuous Employment	Notice Entitlement
4 weeks or more, but less than 2 years	1 week
2 years or more, but less than 12 years	1 week for each complete year of continuous employment
12 years or more	12 weeks

10. Medical Examinations

Employees are required to complete a medical questionnaire and if required must undergo medical examinations both before and during employment.

11. Membership of Trade Unions, Professional Associations and Staff Organisations

(A message from the Joint Secretaries of the General Council)

As a worker in the Health Service, you are not only permitted but, indeed, encouraged to join a trade union, professional association or staff organisation. Through such bodies of service you can help decide opinion on your pay and conditions of service which will be negotiated with management representatives.

In the Health Service, negotiations are carried out in Whitley Councils, each consisting of a management side and a staff side. One of these, the General Council - on whose behalf this letter is written - deals with those conditions of service common to all staff, and the others are concerned with pay and other conditions of service of particular groups of staff.

It is obvious that because the National Health Service is so large and scattered, it would be impossible for management to discover the views of all the staff employed in it if they were not organised. Through their unions and other organisations represented on Whitley Councils, staff can express their collective wishes which can then be presented, on their behalf, to the appropriate authority with real and effective force. Such organisations also represent their members before committees of all kinds on individual problems.

All Health Service staff are, therefore, urged to join an appropriate trade union, professional association or staff organisation and to participate in its activities.

12. Health and Safety at Work

The Trust attaches the greatest importance to the safety of its employees. It is necessary for management and staff to work together positively to achieve a situation, compatible with the provision of proper services to patients, where personal injuries and hazards to the health of staff and others can be reduced to a minimum.

It is accepted that it is a management function to do all that is possible in the field of construction, operation and maintenance of buildings, plant, equipment and facilities to achieve such a situation.

Staff are expected to work in such a way that accidents to themselves and others are avoided; to exercise responsibility; to report accidents or potential hazards promptly; and to recognise that they now have a legal obligation to co-operate with the Trust in all safety, health and welfare matters.

Staff must, in their own interest, report any accident or injury, however trivial, arising out of the course of their employment, to the appropriate senior officer and furnish any statement required.

Where appropriate, safety training will be provided by the Trust together with necessary safety devices and protective clothing.

13. Personal Property

It should be noted that the employing Trust cannot accept responsibility for the loss or damage to personal belongings and employees are advised to make arrangements for insurance cover.

14. Fire Precautions

Employees should familiarise themselves with the routine to be followed in the event of an outbreak of fire within the premises.

15. Confidentiality and Data Protection

All NHS staff have a legal duty of confidence to patients. Breaching patient confidence, inappropriate use of health records or abuse of computer systems may lead to disciplinary measures and possibly result in legal proceedings. Staff should ensure that they are aware of the requirements that relate to the protection and use of patient information and the standards of behaviour that apply. Staff have a right and a duty to raise concerns about confidentiality issues with their managers. Regardless of any action taken by the Employing Trust, a breach of the Data Protection Act could result in criminal or civil action for damages.

16. Research Governance

The Tavistock and Portman NHS Trust manages all research in accordance with the requirements of the Research Governance Framework. As an employee of the Tavistock and Portman NHS Trust you must comply with all reporting requirements, systems and duties of action put in place by the Trust to deliver research governance.

17. Use of Private Vehicles

Authorised users of private vehicles will be reimbursed at the appropriate Trust rate for official journeys. It is the user's responsibility to ensure the vehicle meets legal and insurance requirements. Evidence of appropriate insurance cover must be provided before using vehicles for Trust purposes.

18. Training

Employees may be required to undertake appropriate training at any location in Great Britain. Expenses incurred will be reimbursed in accordance with Trust regulations.

19. Recovery of Overpayment of Salary/Wages

The Trust reserves the right to recover any overpayment of salary or wages, however made, by deducting the excess from subsequent payment of salary or wages. However, any deductions will not be made in an unreasonable manner.

20. 1959 and 1983 Mental Health Acts

Employees whose work brings them into contact with mentally ill or handicapped patients should be familiar with the requirements of the 1959 and 1983 Mental Health Acts, and in particular Sections 126 and 128 of the 1959 Act as amended by Section I of the Sexual Offences Act 1967. Further guidance will be provided where applicable.

21. Services and Products Developed in Employment

Employees must not make Commercial Use of services or products developed in employment without prior agreement of the Trust.

22. Employment Procedures and Policies

(i) Grievance

Any grievance should be raised in the first instance with your immediate manager. If the matter is not settled at this level you may pursue the matter in accordance with the appropriate procedure. The Grievance Procedure would involve the matter being heard by successively more senior managers with an ultimate hearing at Trust level.

(ii) Discipline

The procedure commences with the oral warning, an informal stage which does not require to be followed up with a letter. There then follows three formal stages, First Written Warning, Final Written/Single Stage Warning and Dismissal. Normally disciplinary action should follow these stages, but if the offence is serious it may be necessary to enter the procedure at any appropriate stage.

(iii) Copies of all employment policies and procedures including Grievance and Discipline may be seen in the Personnel Department.

23. Equal Opportunities/Statement of Intent

(i) The Employing Trust is an equal opportunities employer. It is the policy of the Trust to ensure that no user of service, present or future employee or job applicant receives less favourable treatment on the grounds of their sex, sexual orientation, marital status, race, religion, age, creed, colour, ethnic origin or disability, nor is disadvantaged by any conditions or requirements which cannot be shown to be justified.

(ii) The Trust commits itself to take action necessary to remove sex discrimination and racial discrimination in all its operations, as well as being committed to taking positive action to promote equal opportunities to all disadvantaged groups.

(iii) The Trust will ensure that no job applicant or employee is placed at a disadvantage by requirements or conditions which have a disproportionately adverse effect on their racial or sexual group or sexual orientation or on people with disabilities and which cannot be shown to be justifiable on other grounds.

iv) Present members of staff and job applicants for promotion will be assessed at all times on the basis of their suitability, capability and qualification.

(v) The Trust will be committed to the Equal Opportunities Policy and the achievement of its aim and will allocate resources within financial limitations.

(vi) The Trust will receive a half-yearly report in the first year and thereafter an annual report and will undertake to review its policies, procedures and practices in the light of this report to make sure that equal opportunity is available to all potential and actual employees. Where it is found that such practices are operating, or could operate, against this principle, they will be amended where appropriate after consultation with staff organisations.

(vii) The Chief Executive will have overall responsibility for implementation of the policy, although it is accepted that for day to day purposes this responsibility rests with local managers.

(viii) This policy will be implemented in accordance with the appropriate statutory requirements and in addition full account will be taken of all available guidance, in particular the Commission for Racial Equality Code of Practice, the Equal Opportunities Commission Code, Whitley Council and other NHS statutory bodies and D.O.H guidance.

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