Junior Doctors Contract and the Academic Pathway

Guidance for the Implementation of the Contract in England

The following guidance has been developed jointly by NIHR/NHSE/UCEA to assist with the adaptation and/or implementation of the new junior doctors’ contract for clinical academic trainees.

Academic Flexible Pay Premium

This guidance relates to the criteria for the academic flexible pay premium set out in Schedule 02 paragraphs 33-38 of the 2016 Terms and Conditions of Service (TCS) for Doctors and Dentists in Training in England document. As outlined in these paragraphs, the academic pay premium is configured to reflect the additional time taken during training by those individuals who undertake a formal period of research training, typically, but not exclusively at doctoral level, as part of higher clinical training and/or as an expectation of their academic career pathway. Once awarded, the academic pay premium will remain payable whilst the individual remains in postgraduate medical training.

The 2016 TCS only apply to doctors employed by the NHS and so decisions regarding the payment of the premium to individuals employed by universities are necessarily outside the remit of this group. It is however understood that UCEA are seeking stakeholder views as to whether or not to move to the new pay system so as to ensure continued pay parity between NHS and university staff; should this be the case, then the principles set out here might also apply to trainees employed on such a basis.

Eligibility for the Academic Flexible Pay Premium

1) The academic pay premium will be automatic for trainees undertaking a period of approved OOPR of a minimum of 2 years duration leading to award of an MD (or equivalent) or a PhD (or in the case of trainees with an existing PhD (e.g. MB / PhD) a period of approved OOPR to undertake a post-doctoral fellowship or equivalent),
followed by a return to the same speciality training programme on which they were engaged prior to commencing the OOPR.

Where an individual holds an Academic Clinical Fellow (ACF) post with run-through training, the period of eligible research training can be between core and higher training, or within higher training programmes.

Where an individual holds a training number but is not an ACF the period of eligible research training can be within run-through or higher training programmes.

Where an individual has already been awarded a training number for higher training the period of eligible research training can be undertaken prior to starting higher training, provided that the individual has been registered on the higher programme and granted an OOPR (effectively, deferring the start of the higher programme).

2) Individuals undertaking a master's degree other than as part of a PhD, MD or other equivalent programme, or who are undertaking an MD (or equivalent) or PhD which does not require an additional study period outside normal clinical training on OOPR of a minimum of 2 years FTE will be ineligible for the academic pay premium.

3) Similarly, individuals undertaking a higher degree other than (a) during integrated academic training or (b) during an approved period of time OOPR will not be eligible for payment of the premium.

Timing of Award of the Academic Flexible Pay Premium

It is recommended that the pay premium be paid to individuals who have returned to clinical training within NHS employment with effect from the point of award of the research degree, back-dated to the date of submission of the thesis (subject to a maximum back-dating period of twelve months’ duration) or the date of return to clinical training, whichever is the later. The group believes that submission of a thesis that is subsequently examined successfully represents the end of the period of research training. Given that the timing of the examination process, including viva, is frequently beyond the control of the student, and can in some cases be prolonged, it would be inappropriate to penalise the successful student for such delay.

Trainees seeking to prove eligibility for the premium would need to provide the employer with evidence of (i) the approval of the OOPR time; (ii) the actual award; and (iii) the date of submission to allow the payment to be approved by the employer and backdated. Trainees must notify employers of the submission date as early as possible to allow employers to accrue costs against the future payment to be made once the degree has been awarded.
Note: This paper is concerned solely with defined academic FPP as set out in Schedule 2, paras. 33-38 of the TCS. Pay premia can also be awarded when agreed as appropriate for other activity benefiting the NHS (Schedule 2, paras 42-44 of the TCS) but such premia are beyond the scope of this paper. Details of any such awards would be published in a pay circular as and when they are agreed.