

**Application for change in Contract Type under the Consultants Contract 2008 and change in category of Contract under the Consultants Contract 1997**

In completing this Application your attention is drawn to the detailed procedure as set out in Appendix III and Appendix IV of Procedures for the Regulation of Consultants Appointments – 20<sup>th</sup> October 2009 and appended to this document.

The employer with the sole or major interest in the post submits the following application form complete with the necessary documentation to the office of the Regional Director of Performance & Integration.

It should be noted that a failure to provide all of the required documentation can cause a delay in the application being considered. Accordingly, please ensure that all relevant documentation is submitted with the application. Incomplete applications will be returned to the office of the Regional Director of Performance & Integration.

**A. Please specify the request for change by ticking the box below**

This is a request for change in Contract Type under the Consultants Contract 2008	<input type="checkbox"/>
This is a request for a change in category under the Consultants Contract 1997. <i>Note the public interest is the dominant criterion in determining whether to approve requests for changes in category of post.</i>	<input type="checkbox"/>

**B. Details of the employer, location and individual submitting the request**

Location	
Employer	
Name of Consultant requesting change	
Specialty	
Sub specialty	
Post Code (available from CAU)	
Current Contract Type	
Date when Current Contract Type signed	
Contract Type/Category requested	
Date of appointment of Consultant	
Date of last application for a change in Contract type/category, if applicable	

### C. Supporting documentation

Part	Required information	Relevant document attached Y/N	Additional comments
1	the view of the Consultant occupying the post;		
2	the view of the representative grouping of the Consultants in the relevant hospital / service (e.g. medical board);		
3	the Consultants' current schedule of commitments;		
4	the changes proposed to this schedule of commitments if the request for change of contract type /category is approved;		
5	the rationale for the Employer's support or lack of support for the request for change of contract type /category;		
6	the benefits to the hospital and the public health system if the request for change of contract type /category is approved;		
7	how the post will align with other posts in the specialty under the employer(s) if the request for change of contract type /category is approved;		

**D. For completion by the Hospital Group CEO/ CHO Chief Officer**

I hereby confirm that funding is/not available to meet any salary increases arising from change in category.

**Hospital Group CEO/CHO Chief Officer:**

Name of Hospital Group CEO/CHO Chief Officer: \_\_\_\_\_

Signature of Hospital Group CEO/CHO Chief Officer: \_\_\_\_\_

Date: \_\_\_\_\_

**Hospital Group Clinical Director:**

Name of Hospital Group Clinical Director: \_\_\_\_\_

Signature of Hospital Group Clinical Director: \_\_\_\_\_

Date: \_\_\_\_\_

Please forward the completed form along with all relevant documentation as set out above to the

email: [consultant.applications@hse.ie](mailto:consultant.applications@hse.ie)

**HSE Consultants Division  
Room 2.29  
Dr Steevens' Hospital  
Dublin 8**

**Tel: 01 6352132**

**For completion in the Consultants Appointments Unit**

Date application received	
Relevant Documentation provided	Yes/No (Delete as appropriate)
Date considered by CAAC	
Recommend for approval	Yes/No (Delete as appropriate)
Date letter of decision issued	

## **Appendix III – Procedures for change in Type of Contract under the Consultants Contract 2008**

### **1. Introduction**

The procedure for the submission to the HSE, processing and approval of requests for change of Contract Type under the Consultant Contract 2008 is set out below.

### **2. Provisions of Consultant Contract 2008 re change of Contract Type**

Section 23 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 Committee<sup>1</sup> 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 there<sup>2</sup>) 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:
  - i) an Independent Chairperson,
  - ii) a representative of the Consultant (e.g. from the relevant medical organisation), and
  - iii) an Employer representative.

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<sup>1</sup> Please refer to Appendix IX of Consultant Contract 2008

<sup>2</sup> Please refer to Section 8 of Consultant Contract 2008

- e) Appointments for reclassification to a Type C post will be considered by the Health Service Executive Type C Committee<sup>1</sup>. 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.”

### **3. 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 1<sup>st</sup> 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 on each application.

### **4. Procedure for submission of requests under Consultant Contract 2008 to the HSE**

The procedure for submission of requests for change of Contract Type is as follows:

- a. The employer with the sole or major interest in the post submits the following to the office of the Regional Director of Performance & Integration:
  - i. the view of the Consultant occupying the post;
  - ii. the view of the representative grouping of the Consultants in the relevant hospital / service (e.g. medical board);
  - iii. the Consultants’ current schedule of commitments;
  - iv. the changes proposed to this schedule of commitments if the request for change of Contract Type is approved;
  - v. the rationale for the Employer’s support or lack of support for the request for change of Contract Type;
  - vi. the benefits to the hospital and the public health system if the request for change Contract Type is approved;
  - vii. how the post will align with other posts in the specialty under the employer(s) if the request for change of Contract Type is approved;
- b. The office of the Regional Director of Performance & Integration forwards the documentation to the HSE Consultant Appointments Unit together with a letter:
  - i. Indicating whether he or she agrees with the request for change of Contract Type;
  - ii. Confirming that funding is available to meet any salary increases arising from change in Contract Type.

## 5. HSE determination of change of Contract Type requests

The HSE Consultant Appointments Unit will submit requests for change in Contract Type to the Consultant Applications Advisory Committee / Type C Committee as follows:

- a. 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.
- b. 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 II Contracts will be subject to an upper limit of such posts within the system.
- c. In the event that the HSE does not accede to the request as set out at a) and b) above, the Consultant may refer the matter to the Independent Appeals Panel for a recommendation. The Independent Appeals Panel shall be composed of:
  - i. an Independent Chairperson,
  - ii. a representative of the Consultant (e.g. from the relevant medical organisation),  
and
  - iii. an Employer representative.
- d. Applications for reclassification to a Type C post will be considered by the Health Service Executive Type C Committee<sup>1</sup>. 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. No further appeals process exists.

All correspondence / queries should be directed to the:

email: [consultant.applications@hse.ie](mailto:consultant.applications@hse.ie)

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## **Appendix IV – Procedures for change in category of Contract under the Consultants Contract 1997**

### **1. Introduction**

The procedure for the submission to the HSE, processing and approval of requests for the re-categorisation of Consultant posts under the Consultant Contract 1997 is set out below.

### **2. Provisions of the Consultant Contract 1997 re change of category**

Section 3.10.2 – 3.10.4 of the Memorandum of Agreement attached to the Consultants Contract 1997 address movement between category of post as follows:

- “3.10.2 Nothing in the following paragraphs shall impede consultants from moving from one category of post to another where the employer has no objection to any such request.
- 3.10.3 The category of post shall be determined by Comhairle na nOspidéal at the time of approval. The employer shall obtain the views of the Hospital Medical Board prior to submitting an application to Comhairle.
- 3.10.4 Consultants may apply to have the category of post changed at 5 year intervals. In the event that the employer does not accede to the request the matter will be referred to an agreed third party for a recommendation.”
- 3.10.5 Where significant changes occur in a particular area in the delivery of acute hospital care, (e.g. - hospital closures) consultants shall be entitled to have their category of post reviewed within the 5 year period.”

### **3. Role of the HSE regarding movement between categories**

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 1<sup>st</sup> January 2005. These included regulating the number and type of appointments of consultant medical staff.

Under the Consultant Contract 1997, the HSE, as the employer, determines movement between categories for those consultants employed by the HSE. Custom and practice has been that the non-HSE employer seeks the determination of the HSE (and previously Comhairle na nOspidéal) prior to taking any action regarding movement between categories for Consultants in its employ.

### **4. Procedure for submission of requests under Consultant Contract 1997 to the HSE**

The public interest is the dominant criterion in determining whether to approve requests for changes in category of post. Taking this into account, the procedure for submission of requests for change of category is as follows:

- a. The employer with the sole or major interest in the post submits the following to the office of the Regional Director of Performance & Integration:

- i. the view of the Consultant occupying the post;
  - ii. the view of the representative grouping of the Consultants in the relevant hospital / service (e.g. medical board);
  - iii. the Consultants' current schedule of commitments;
  - iv. the changes proposed to this schedule of commitments if the request for change of category is approved;
  - v. the rationale for the Employer's support or lack of support for the request for change of category;
  - vi. the benefits to the hospital and the public health system if the request for change of category is approved;
  - vii. how the post will align with other posts in the specialty under the employer(s) if the request for change of category is approved;
- b. The office of the Regional Director of Performance & Integration forwards the documentation to the HSE Consultant Appointments Unit together with a letter:
- i. Indicating whether he or she agrees with the request for change of category;
  - ii. Confirming that funding is available to meet any salary increases arising from change in category.

## **5. HSE determination of change of category requests**

- a. Each request will be analysed on its own merits using the following criteria:
- i. The application for change of category requests shall be received from the office of the Regional Director of Performance & Integration rather than any other source.
  - ii. The extent to which it has been demonstrated that the change of category is consistent with the public interest
  - iii. The benefits if any arising from a change in category to the public health system.
- b. Once a determination has been made regarding the request to change category, the Consultant Appointments Unit will issue a letter setting out the decision, the new category (if any) and the date the post was originally approved. This letter will form part of the Consultant's Contract and should be attached to Appendix I of the contract documents signed by the post-holder.
- c. A function of the Consultant Applications Advisory Committee will be the provision of advice on requests for change of contract under the Consultants Contract 1997.

## **6. Procedure to be followed by non-HSE employers regarding movement between categories**

As noted at Section 3 above, custom and practice has been that the non-HSE employer seeks the determination of the HSE (and previously Comhairle na nOspidéal) prior to taking any action regarding movement between categories for Consultants in its employ.

Such determination is subject to the use of the public interest as the dominant criterion. Taking this into account, the HSE requires HSE-funded agencies:

- a. to notify the HSE, prior to taking any action, of requests from Consultants to move between categories in line with the procedure set out at Section 4 (a); and
  - i. to provide confirmation – with specific reference to the agreed service plan – that funding is available to meet any salary increases arising from change in category;
  - ii. to forward to the HSE a letter setting out:
    1. how the change of category is consistent with the public interest;
    2. the benefits if any arising from a change in category to the public health system.

HSE funded agencies will, in their service plan agreed with the HSE, have documented the level of service to be provided to the public and key deliverables. A decision regarding movement between categories must not affect – financially or otherwise – the delivery of the service plan.

## **7. Appeals Process**

The Consultant may, once (s)he has received the determination regarding the request to change category, make an appeal to the Independent Appeals Committee. This Committee consists of an Independent Chairperson, an employer representative and a representative of the relevant medical organisation. Contact details for the Appeals Committee will be available from the employer or either medical organisation.

All correspondence / queries should be directed to the:

**email:** [consultant.applications@hse.ie](mailto:consultant.applications@hse.ie)

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