

Rt Hon Matt Hancock MP

Secretary of State for Health and Social Care
Department for Health and Social Care
39 Victoria Street
London
SW1H 0EU

11 April 2019

Dear Secretary of State,

We are writing to express our deep concern regarding the restrictions that have been placed on the NHS's new offer of enhanced pay for Shared Parental Leave – by which certain doctors have been excluded from accessing what should be considered an overdue basic employment right. As you are aware, from 1 April Shared Parental Pay in England has been enhanced to the same levels as occupational maternity and adoption pay. This is an important first step towards addressing the imbalance in unpaid caring responsibilities between men and women, a key contributor to the gender pay gap currently under significant scrutiny in the NHS. Whilst the BMA was pleased to welcome this news, we have been shocked, as chairs of the Consultants' and SAS doctors' committees, that the enhanced pay for Shared Parental Leave – which has equality at its heart – is being withheld from senior doctors in exchange for acquiescence to punitive changes concerning entirely unrelated employment conditions.

As you are aware, Shared Parental Leave allows parents to choose for themselves who will take time out of their career to care for children – barriers to this employment benefit have been considered a key driver of the gender pay gap, given it is women who are more likely to disrupt their career progression to raise a family. As such, improving the standard level of provision for any parent who chooses to take leave to raise their child, correcting the imbalance between the NHS's approach to occupational maternity and adoption pay and Shared Parental Leave, is at the heart of breaking down barriers to promoting equality of treatment for the NHS workforce.

It is with this in mind that the BMA has been dismayed to learn that the outdated, punitive, discrepancy between standards for maternity pay and Shared Parental Leave pay will be perpetuated for only two groups within the NHS workforce – consultants and SAS doctors. Despite multiple attempts by the BMA to raise this matter with your Department and NHS Employers, our concerns have not been addressed and so we write to you now to outline, in the strongest terms, how important it is that this disparity is resolved without delay.

The decision by NHS Employers and the Department of Health and Social Care to withhold enhanced occupational rates of pay for Shared Parental Leave from a particular tranche of the NHS workforce is in direct contradiction to any modern-day employer's objective to foster a workplace environment that promotes equality and diversity, and in contrast to the introduction of this benefit into the civil service. If the NHS is to address its equalities issues it is unacceptable that eligibility for a key equalities-related employment benefit is being used as a lever to force through contractual changes for senior NHS doctors on an entirely separate matter.



We have understood that, following requests from the BMA's Junior Doctors Committee, the decision was taken to offer enhanced pay for Shared Parental Leave across the whole of the NHS in England – potentially extending to the whole of the UK soon – as a universal, standalone enhancement to the NHS Staff Handbook. Yet, some of our members, consultants and SAS doctors, have been excluded from a change intended to achieve parity for all, and asked to negotiate for the right to enhanced Shared Parental Leave by accepting detrimental changes to their terms and conditions elsewhere.

Moreover, it is difficult to understand why two staff groups – consultants and SAS doctors – should be required to bargain for a contractual right freely given to all other staff groups; it is ironic that the contractual right in question is intended to deliver an equality benefit. You will be aware that doctors have largely separate contractual arrangements since they both train and work very differently to other NHS staff. There are well-established and legally robust separate bargaining arrangements for these medical contracts and we will not accept a direct link to the NHS Staff Handbook which would supersede this.

It is unclear how equalities issues are addressed by introducing new inequalities into the NHS workforce; using this employment right to create a direct link between consultant and SAS doctors' medical contracts and the NHS staff handbook is grossly inappropriate. Moreover, the introduction of a new inequality for senior doctors undermines the NHS's expressed desire to tackle the gender pay gap and seems particularly hard to understand when seen against a background of a medical workforce that is shifting its gender balance.

As has been communicated to your officials, it is entirely inappropriate to hold doctors' rightful employment benefits hostage in this way. We believe it to be a realistic expectation for any NHS employee that their pay during Shared Parental Leave reflects what they actually earn, so that parents are not financially disincentivised from caring more equally if they choose to do so.

We hope that you will agree to extend the enhanced Shared Parental Leave entitlement to all NHS staff with immediate effect. We remain available to discuss the matter in greater detail should that be necessary to your next steps. In the first instance, please contact Holly Weldin, Senior Public Affairs Officer, who would be pleased to facilitate further discussion.

Yours sincerely,



Dr Rob Harwood
Chair, Consultants Committee



Dr Amit Kochhar
Chair, Staff, Associate Specialists and Specialty doctors
Committee