

**TABLE 1
TERMS AND CONDITIONS (including Pay)**

The table below summarises the legislation, policies, practices and supporting documents that apply to you in various different types of transfer situation in relation to your terms and conditions including pay. Please note that this is not an exhaustive list but a guide to the key legislation that applies to your transfer. We recommend that you seek advice from your HR department or trade union representative to understand where and how these apply to you.

KEY	
✓	Does apply
*	Doesn't strictly apply but these transfers are considered to be TUPE-like
?	Will be protected if included in your contract of employment

	Transferring from one NHS organisation to another	Transferring from NHS to a GP practice or other Primary Care Contract holder	Transferring from the NHS to the local council	Transferring from the NHS to a charity, social enterprise or the voluntary sector	Transferring from the NHS to a private sector organisation
Terms AND Conditions including Pay					
RELEVANT LEGISLATION (the following legislation is subject to change – go to www.opsi.gov.uk to view the latest version)					
<ul style="list-style-type: none"> The Equal Pay Act 1970 National Minimum Wage Act 1998 The 1993 Working Time Directive (93/104/EC) 	✓	✓	✓	✓	✓

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The Transfer of Undertakings (Protection of Employment) Regulations 2006	*	✓	✓	✓	✓
DH AND OGD POLICIES					
National Collective Agreements: • NHS terms and conditions of service handbook	✓	?	?	?	?
Local collective agreements	✓	?	?	?	?
Local council negotiated terms	?	?	✓	?	?
The Cabinet Office Statement of Practice on Public Sector Transfers	?	✓	✓	✓	✓
• Flexible Working Agreement (schedule 28 of the consultant contract) Consultant Contract: • Residual GWC terms and conditions of service referred to in schedule 20 of the 2003 terms and conditions document • Appendices 2/3 of the pre2003 terms and conditions document TCS1 2003 post 2003	✓	?	?	?	?
SAS Contract:					

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<ul style="list-style-type: none"> • Terms and conditions of service for associate specialists – England (2008) • Terms and conditions of service for Specialty Doctors – England (2008) • Pay and Terms and Conditions for the Associate Specialist Grade (1998) PM(81)16 • Personnel/Pay and Conditions of Service for the new Hospital Staff Grade HC(88)58 • The associate specialist grade Terms and conditions of service HSG(91)18 <p>Junior Doctors Contract:</p> <ul style="list-style-type: none"> • NHS Hospital Medical and Dental Staff and Doctors and Dentists in Public Health and the Community Health Service (England) Terms and Conditions of Service 2002. • (Model Junior Contract 2007) • Model Salaried GP contract (2003) 					