



7 December 2023

Dear EHRC <Redacted s40(2)>

I am responding to your letter dated 3rd April 2023 which was passed onto my team by WG Officer 3 <Redacted s40(2)> on the 25th October 2023. Please accept my apologies for the slight delay in replying to you, but the team and I have been involved in urgent legal work that required our attention on behalf of the Minister since we were made aware of your letter at the end of October.

I have duly noted the concerns you raise in your letter regarding the Integrated Impact Assessment (IIA) for the Pay Award for the Specialty and Associated Specialist (SAS) doctors for 2022/23 and whether due regard has been given towards the general duty of the PSED.

Whilst not reflected in Sections 1 and 8 of the published IIA, I thought it might be helpful to explain some of the background and timelines involved in the development of the new contracts for SAS doctors negotiated during 2020 and subsequently implemented on 1st April 2021 which impacted on the decision taken with the pay award for 2022/23 and to outline the equality and discrimination concerns regarding the 2008 contracts.

In August 2019 the Minister for Health and Social Services agreed that 1% of the pay award funding would be ring fenced for contract reform negotiations. The Doctors and Dentists Review Body in their 47th report recommended that a review of role, career structure, salary structure and developmental support available to all SAS doctor grades was urgently needed. This recommendation stemmed from a review of the evidence from an array of stakeholders which identified issues with recruitment, retention and morale for this group of staff. This decision was communicated via a Written Statement.

[Written Statement: Doctors and Dentists Review Body \(DDRB\) 47th Report \(11 September 2019\) | GOV.WALES](#)

In February 2020 the Minister for Health and Social Services agreed the mandate to commence contract reform discussions for SAS doctors. The advice set out the case for contract reform and it also outlined the findings from the scoping event held in April 2019 with BMA Wales and employers to gather stakeholder views on the need to reform the terms and conditions of this group of staff. The mandate set out Government's expectation for joint proposals for collective agreement from BMA Wales and employers, including

consideration of the ambitions of 'A Healthier Wales', as well as any relevant recommendations from the forthcoming Gender Pay Gap in Medicine review. The mandate also was clear that joint proposal should recognise that not all doctors want to progress straight through a formal training programme to become a consultant or a GP and so should offer additional pathways for a career in medicine which support flexible career options and continued development for doctors at all stages of their career. These negotiations were taken forward on a three-country basis with England and Northern Ireland.

In January 2021 the Minister for Health and Social Services accepted advice which outlined the key reform elements from the new 2021 contracts from the perspective of the benefits of SAS doctors and employers. It also outlined the new pay system which increased the starting pay for Speciality Doctors and significantly reduced the pay points from 11 to 5, reducing the length of time from 18 to 12 years to progress to the top of scale, addressing equality issues from the long pay structure in the 2008 contracts.

This previous advice was highlighted in July 2022 when the Minister took the decision to freeze the top pay point on the 2008 contracts and give a non-consolidated pay award.

I appreciate your concern, which have been noted, that this sequence of decision making and the considerations included was not fully documented in the published sections of the IIA and we will ensure that future IIAs cover previous Ministerial considerations and advice in the published sections to ensure that our duty to cover PSED is addressed publicly.

I also wanted to make you aware that recently it has come to light that we did not fully consider the impact of the non-consolidated payment from 2022/23 for those reaching the top pay point of the 2008 contracts during 2023/24. Therefore, advice has been provided recently to the Minister who made a decision at the end of November to back date the nonconsolidated pay award from April 2022 and consolidate this. A full IIA accompanied the advice to the Minister, the published version you can obtain on the following link.
[Pay award for specialty doctors: integrated impact assessment | GOV.WALES](#)

Yours sincerely,

WG Officer 5 <Redacted s40(2)>