



TEMPLATE: PREVENT TEMPORARY CHANGES TO YOUR TERMS AND CONDITIONS BECOMING PERMANENT

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WHY HCSA HAS PRODUCED A TEMPLATE LETTER

The NHS response to COVID-19 has led to huge changes to working patterns and greater employer expectations placed upon our members and their colleagues.

Medical staff have responded heroically, working above and beyond and accepted temporary changes to terms and conditions in order to mount the response to this virus.

However, HCSA members have rightly raised concerns that short-term changes justified during the current crisis should not be seen as an opportunity to implement long-term alterations to contracts of work.

HCSA was invited but declined to sign a recent national declaration on changes for medical staff due to COVID-19.

We felt that, while well intended, it would be of limited practical assistance to members on the ground.

Instead, we have produced a legal form of words which we recommend that all members deploy to prevent you from unintentionally accepting permanent changes to your terms and conditions.

You are welcome to share this with your colleagues, although only HCSA members can receive advice from us.

Letter template

I write in respect of recent changes to my working arrangements.

I want to make sure that it is clear between us that any changes made to my terms and conditions were agreed purely on a temporary basis to meet the urgent demands of the COVID-19 crisis and were not agreed on a permanent or indefinite basis, either impliedly or expressly. I would like this to be formally noted.

It is my understanding and belief that when the urgent demands of COVID-19 have passed I will return to my previous working conditions, terms and conditions, exactly as they had been prior to the crisis.

I do not agree to any changes lasting indefinitely.

I would ask that you please immediately implement a regular formal review process, including face to face meetings with my line manager *[each month/every two months - insert as appropriate]* to discuss the continuation of my temporary working arrangements and when they are likely to come to an end.

Naturally, as part of the review process, I will be willing to discuss and consider further temporary extensions and/or other temporary alterations to my pre-COVID-19 terms and conditions in order to assist with reducing waiting lists etc but such changes/extensions are only to be agreed following consultation with me. At this stage, I cannot agree to any changes to my pre-COVID-19 terms and conditions being permanent.

Should you seek to impose permanent changes to my terms and conditions at any time, without my agreement, I reserve the right to consider this a breach of my employment contract (both of the express terms and the implied term of mutual trust and confidence) and reserve the right to take appropriate action in response.

My continued services under alternative working arrangements should not be considered acquiescence to any long term change to my terms and conditions. I am merely assisting on a temporary basis, as a result of the COVID-19 emergency.

HOW TO USE IT

Who can use it?

■ This form of words is designed for doctors of all grades who have been asked to change their working patterns due to COVID-19. It is intended to guard you against a permanent change being implemented.

When do I use it?

■ This form of words should be sent to your HR department and copied to your line manager or, for any doctors who may still be going through a job planning process, should be included in your accompanying documentation.

Do I need a confirmation of receipt?

■ Confirmation of receipt is not necessary – the wording of the statement makes it clear that the form of words represents your understanding of your current employment situation. It is up to the employer to respond if they disagree. If they do, then you should contact HCSA for advice.

What if I have a good relationship with my managers?

■ Dispatching a legal letter to managers with whom you have no current conflict may feel uncomfortable. However, we

would still strongly recommend that you do so, because this means that should the current positive situation change in any way you would be legally protected in future.

You could make clear in an amicable way that you are submitting this letter in line with HCSA's recommendation to every member. You are not alone.

CONTACT HCSA FOR ADVICE

Email: Advice@hcsa.com
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