



ATISN 19285

20 December 2023

Dear ,

### **Complaint in respect of ATISN 19285 – Doctors Contracts**

I am responding to your email which was received on 8 December 2023 in which you asked us to review the response issued to your request for information under the Freedom of Information Act 2000 (FOIA). This letter is to inform you of the outcome.

In your email dated 14 November, you referred to the Framework Agreement for the SAS Contract Reform for Wales which sets out the arrangements for implementation of the SAS Doctors' contract 2021. At Section 5 the agreement states that "*SAS doctors on national TCS will be given the opportunity to transfer to the new contracts or opt to remain on their existing contract and TCS without detriment.*"

You also indicated that on 14th October 2022 you received an email which suggested that the clause was time limited and applied to a window which ran between June and November 2021 and therefore asked if you could be provided with the documentation that supports this.

We responded to your request on 4 December and advised that the decision was agreed in social partnership between Welsh Government, NHS Wales Employers and BMA Cymru Wales and was communicated on the NHS Wales Employers Website. We provided a historic webpage link which explained that the agreement was:

*to provide pay continuity for specialty doctors who choose to move to the new 2021 specialty doctor contract before the end of the window of opportunity on 30 November 2021.*

We discussed this on the telephone on 11 December. You told me that your interest in the information you had requested in ATISN 19285 was greatly reduced following the Minister's statement in a Circular dated 29 November. Nevertheless, you would still be interested to know whether there was any record of a decision to time limit the assurance clause at Section 5 of the Framework Agreement. I have checked with colleagues in the Workforce Team, and I am satisfied that we have no documentation that supports the suggestion that the 'no detriment' undertaking was time limited.

In summary, I have reviewed our response to your FOI request in accordance with the procedure stated in my previous letter to you (dated 11 December 2023). In my view this was a correct response, and therefore I do not uphold your complaint.

During our telephone conversation you also mentioned a separate FOI request relating to correspondence between the Welsh Government and the Equality & Human Rights Commission (EHRC). You said you had asked to see a letter from 'WG Officer 1' to EHRC that was referenced in an email chain that we had released. Although it is not part of this Internal Review, I did make some enquiries about this letter. It was issued on 7 December 2023, and therefore is outside the scope of your FOI request. Nevertheless, if you were to make a new FOI request now, we would provide the information; so I am providing a copy with this response as an early Christmas present.

If you remain dissatisfied with this response you also have the right to complain to the Information Commissioner at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel: 01625 545 745

Fax: 01625 524 510

[FOI and EIR complaints | ICO](#)

Also, if you think that there has been maladministration in dealing with your request, you have the option to make a complaint to the Public Services Ombudsman for Wales who can be contacted at:

Public Services Ombudsman for Wales  
1 Ffordd yr Hen Gae  
Pencoed  
Bridgend  
CF35 5LJ

Telephone: 0845 6010987 (local rate)

Email: [ask@ombudsman-wales.org.uk](mailto:ask@ombudsman-wales.org.uk)

Yours sincerely

**Stephen Probert CEng, FIET**  
Deputy Director of Operations  
Health & Social Services