Guidance on implementing Follett Principles for Health and Care Professionals for HEIs and NHS Provider Organisations
December 2nd, 2024

Purpose

This guidance is intended to support organisations in implementing the Follett Principles for regulated, registered health and care professional (HCP) clinical academics. Specifically, this document provides guidance on the principles of joint working between Higher Education Institutions (HEIs) and organisations who provide services to the NHS.

HEIs and NHS organisations will already have processes and policies in place for medical and dental clinical academics. The purpose of this document is to encourage organisations to ensure that the same principles are applied to HCP clinical academic placements.

These guidelines were developed in consultation with NHS Employers, NHS England, University and College Employers Association, the Clinical Academic Roles Implementation Network (CARIN) within Council of Deans of Health and National Institute for Health and Care Research.

Background

Clinical academics are health and care professionals who work in an HEI in a teaching and/or research role, as well as working clinically in the NHS[1], in a role which requires them to hold a clinical qualification and maintain a professional registration. They are 'jointly' employed by HEIs and partner NHS provider organisation[1]; this means that they have a substantive employer and an honorary employer, who – taken together – cover the entirety of their clinical academic job. Their substantive and honorary contracts are viewed as contracts of employment.

The Follett report[2] was published in 2001 following the Alder Hey Hospital scandal, in which the organs of children were unlawfully retained, bringing to light serious failures in the management and accountability of clinical academic staff. Follett provided guidance on the management of jointly appointed clinical academics, to seek to avoid such issues happening again.

While the Follett principles were developed to support joint working arrangements for senior NHS and HEI staff, the original report also expressed an expectation that the principles should extend to all joint appointments with clinical and academic responsibilities.

The aim of the Follett recommendations was to ensure (for both an individual and the employing universities and NHS Trusts/Boards) clear, unambiguous, jointly agreed arrangements with joint oversight and accountability for the entirety of a clinical academic's job. This is needed because the individual works across two sectors, for two employers, but they have one job (not two separate part-time contracts). The two parts of their job (the clinical part and the academic part) are interdependent and linked. As such, the two employers must work together to facilitate the joint nature of the role, and ensure appropriate accountability for all parts of the role.

The Follett principles

The key principle for NHS and HEIs stemming from Follett is "**joint working to integrate separate responsibilities**".

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[1] *Or other provider of publicly or third sector funded health and/or social care*

[2] *A Review of Appraisal, Disciplinary and Reporting Arrangements for Senior NHS and University Staff with Academic and Clinical Duties (Department of Education & Skills, September 2001)*

Follett prescribes clear, distinct lines of accountability, jointly set out (by the HEI and NHS Trust/Board) and covers key areas for joint working between the two employers:

- joint recruitment and appointment
- jointly agreed induction
- joint job planning
- joint appraisal
- agreed processes for management of performance and conduct.

A critical component of Follett implementation is the commitment of the partner organisations to promote and support clinical academic roles to other staff across the organisations (including finance and human resources), to ensure that the roles are embedded within the organisation.

The Universities and Colleges Employers Association, NHS Employers and the Department of Health and Social Care have developed additional guidance to support the implementation of Follett (see resources).

VAT

As well as accountability and oversight, compliance with Follett is important from a financial point of view. HMRC is clear that VAT is applicable on services supplied by clinical academics to NHS provider organisations unless the clinical academic's role is a joint appointment. Compliance with the Follett principles enable an NHS trust and HEI to demonstrate that it is one job; not two separate part-time contracts or a secondment arrangement where services are supplied from one organisation to another, and thus avoid the VAT charge.

HEI and NHS partnership Working

To ensure effective partnership working, there should be a framework or mechanism for strategic liaison at a senior level between the NHS organisation and the HEI and a memorandum of understanding (MOU) or similar agreement outlining the arrangement between the two. The MOU should cover recruitment and selection, joint job planning/design and appraisal, renumeration, employee relations and joint working amongst other things. Under the General Data Protection Regulation, agreement of sharing and transfer of personal data between organisations should also be included.

Joint recruitment, job design and planning, and appraisal are key to the Follett principles. Specifically,

(a) In terms of recruitment, job descriptions for new and replacement clinical academic positions must be prepared jointly and agreed by the partners. This must happen prior to the job being advertised. Job descriptions should clearly outline the roles and responsibilities for both the clinical part of the post and the academic part of the post. Person specification should outline essential and desirable characteristics for both parts of the job.

(b) Recruitment and selection processes must be jointly agreed and documented and may include representation from both partner organisations.

(c) Job information should be agreed that makes clear which organisation the clinical academic is accountable to for the different aspects of their role

(d) Contractual arrangements – usually delivered by the combination of a substantive and honorary contract, which taken together cover the whole of the role

(e) An integrated job plan that encompasses both NHS and university commitments covering amongst other things relevant aspects of teaching, research and patient care needs to be agreed, with managers aware of the different elements and

accountability and reviewed annually as part of the annual appraisal/review mechanism.

(f) Joint appraisal processes must be implemented and documented. Appraisers for both the HEI and the NHS organisation need to be identified and joint personal development plans agreed.
(g) An agreement needs to be in place for procedures relating to disciplinary, performance and conduct issues, including how the NHS organisation and the HEI will work together. The substantive employer's disciplinary procedures, or the honorary employer's disciplinary procedures, may be used depending on which are most appropriate to the circumstances. Should disciplinary action be considered, there needs to be a mechanism in place to inform the partner organisation of the process and outcome. In the event a case leads to dismissal, both organisations need to act under their own procedures, as dismissal from one contract does not automatically result in dismissal from the other contract.

Contractual matters

The clinical academic will hold a joint appointment, employed by both an HEI and NHS body (or any other provider of publicly or third sector funded health and/or social care service, for example a commissioned social enterprise, local authority or hospice or care home). They must hold a 'joint' appointment, with a substantive contract from the host organisation and an honorary contract from the other.

The substantive contract will cover all the usual terms and conditions of employment. The partner organisation will need to be aware of these terms. The partner organisation will simultaneously issue an honorary contract covering issues such as accountability to ensure there is clarity about the work undertaken in this aspect of the joint appointment.

The pay grade for the joint appointment will be determined by the host organisation, in consultation with their partner organisation, and in line with their usual pay determination processes and in accordance with the statutory requirements for equal pay for work of equal value. Where necessary, the organisation may wish to consider local market supplements but must be able to evidence this requirement.

Relevant Resources

- UCEA Guidance on Follett Report and Joint Working
- NHS Employers Guidance for employing clinical academics
- Guidance for clinical academics for doctors and dentists
- Examples of MOUs
- Practical considerations for the starting point for grading and pay for Consultant Clinical Academics
- Template for employing medical consultant clinical academics