

**NHS definition of Category 1 and Category 2 work, extracts from
the *Terms and Conditions of Service of Hospital Medical and Dental Staff***

Note: Almost identical wording applies throughout the UK.

36. CATEGORY 1: work undertaken by hospital medical and dental staff for which changes may not be made.

- (a) Examination and diagnosis and the furnishing of any report reasonably required in connection therewith on a person referred to the health services for this purpose from a medical source for a second opinion. For this purpose, reference from a medical source means reference from a medical and dental practitioner (including for example a medical board) who having clinically examined a person, requires a second opinion for any reason; but does not include reference for examination included in Category 2 or reference from an administrative medical officer who has not clinically examined the person referred.

Examples of (a) are:

- (i) examination of and report on a person referred by a general practitioner;
 - (ii) examination of and reports on members of HM Armed Forces (including members of overseas forces serving on duty in the UK) and their families referred by medical officers who are treating them;
 - (iii) examination of and reports on person referred in connection with diagnosis or treatment by a medical practitioner in the Community Health Service; (but examinations of and reports required on employees or prospective employees for the purpose of superannuation schemes fall within Category 2);
 - (iv) examination of and report on a person referred by a medical interviewing committee set up by the Department of Health and Social Security to advise disablement resettlement officers of the Department of Employment of the Manpower Services Commission on the working capacity of disabled persons;
 - (v) examination of and report on a person referred by a medical officer of a medical boarding centre (Respiratory Diseases) of the Department of Health and Social Security for the purposes of diagnosis and treatment but when the examination is carried out in connection with a compensation or social security claim, this fall in Category 2(ii);
 - (vi) examination of and report on a person referred by an occupational health physician or employment medical adviser following an accident or incident which may give rise to occupational disease or where, exceptionally, an employment medical adviser, following a clinical examination of a person or persons, suspects the possibility of occupational disease and seeks an investigation and a second medical opinion;
- (b) Examination and reports on persons for the purposes of the prevention of illness, under arrangements approved by the Secretary of State after consultation with the profession. But examination and reports required by a person or third party primarily to serve the interests of the person, his employer or other third party in such contexts as insurance, superannuation, foreign travel, emigration or sport and recreation fall within Category 2. Examples of (b) are:
- (i) where the need for preventive measures arises from the necessity to investigate contacts of a patient with a transmissible disease, eg tuberculosis, epidemic diseases such as smallpox, typhoid, etc, or venereal disease;

- (ii) examination and reports in respect of transmissible disease on entrants to colleges for training as teachers, applicants for teaching posts, teachers, and other persons whose training, prospective occupation or occupation brings them in close and prolonged contact with children;
 - (iii) examination and reports on employees or prospective employees (not otherwise covered by (ii) above) of health authorities and of local authority educational, social services and environmental health departments who may be at particular risk of acquiring or spreading transmissible diseases by reason of their employment or prospective employment, or voluntary workers and employees of voluntary bodies similarly at risk;
 - (iv) examination and reports in connection with individual screening measures (eg cervical cytology) for the benefit of particular people who, by reason of age, sex or other constitutional or environmental factors, are particularly at risk of developing specific diseases. Routine screening of workers is covered by sub-paragraph (b)(vi) below, and Category 2 (xv) and (xvi);
 - (v) where the defined duties of the practitioner specifically include such work, examinations and reports on prospective employees (other than those covered in sub-paragraphs (b)(ii) and (iii) above) of health and local authorities;
 - (vi) where the defined duties of the practitioner specifically include such work examinations and reports (other than those in sub-paragraphs (b)(ii) and (iii) above) in connection with the routine screening of employees of health and local authorities, to such extent as may be approved by the Secretary of State after consultation with the profession; (but see para 32 [of the Terms of Service] (sic).
- (c) X-ray examination of any persons resorting to or referred to the mass radiography service and the furnishing of a report, if required, of the results of such examination.
- (d) Recommendations under Part II of the Mental Health Act 1983:
- (i) if given by a doctor on the staff of the hospital where the patient is an in-patient;
 - (ii) if given following examination at an out-patient clinic;
 - (iii) if given as a result of a domiciliary consultation carried out at the request of a general practitioner.
- (e) The furnishing of a medical or dental report to a patient who is currently under observation or treatment at the hospital or, with his consent, to an interested third party, when the information required is reasonably incidental to such observation and treatment and can be given readily from knowledge of the case without a separate examination or without an appreciable amount of work in extracting information from case notes (but if a special examination of the patient is required, or the information requested cannot be given readily from knowledge of the case, or where extracts from case notes are required and an appreciable amount of work is involved to provide information which will neither be misleading nor prejudicial medically to the patient, the work falls within Category 2, unless such work is specifically included in the practitioner's contractual duties as provided by paragraph 30 above). Examples are:
- (i) doctors' statements given to the patient for social security purposes;
 - (ii) reports required by the Department of Health and Social Security on a person who is under hospital observation or treatment;
 - (iii) reports required by the Manpower Services Commission on the working capacity of disabled patients;

- (iv) reports required by employers (including Government departments and local authorities) on employees who are under observation or treatment (eg reports required in connection with sick leave or premature retirement on health grounds, but excluding information required to serve the interests of the person or his employer, in such contexts as insurance, superannuation, foreign travel or emigration).
 - (f) attendance at court hearings as a witness as to fact by a practitioner giving evidence on his own behalf or on behalf of his employing authority in connection with a case with which he is professionally concerned; (but attendance at coroners' courts is normally work falling within Category 2).
37. CATEGORY 2: the following are examples of examinations, reports, etc for which, when they do not fulfil any of the conditions referred to in Category 1, charges may be made.
- (i) a report on a patient not under observation or treatment at the hospital at the time the report is requested, or a report which involves a special examination of the patient or an appreciable amount of work in making extracts from case notes-other than in circumstances referred to in Category 1;
 - (ii) examinations and reports in respect of a person referred by a Senior Medical Officer of the Department of Health and Social Security, or by a Medical Board (including a pneumoconiosis medical panel or board) or a Medical Appeal Tribunal, for the purposes of the Social Security Acts or any other benefits administered by the Department of Health and Social Security;
 - (iii) examination and report on a person referred by a medical referee appointed under the Workmen's Compensation Act 1925 or under a scheme certified under Section 31, of that Act;
 - (iv) examination and report on a person referred by a medical examiner of HM Armed Forces Recruiting Organisation;
 - (v) examination and recommendations under Part II of the Mental Health Act 1983 (except where this falls within Category 1(d)):
 1. if given by a doctor who is not on the staff of the hospital where the patient is examined; or
 2. if the recommendation is given as a result of a special examination carried out at the request of a local authority officer at a place other than a hospital or clinic administered by a hospital authority.

Where fees are payable under 1 or 2 above, they will be paid where the practitioner has carried out a special examination whether or not, as a result, he completes a recommendation;
 - (vi) examinations and reports on prospective emigrants including x-ray examinations and blood tests;
 - (vii) examinations and reports required by a patient or interested third party to serve the interests of the person, his employer or other third party, in such contexts as insurance, superannuation, foreign travel, emigration, or sport and recreation (but not including examinations in respect of the diagnosis and treatment of injuries or accidents);
 - (viii) examinations of and reports on persons in connection with legal actions other than reports which can be given under Category 1(e) and reports associated with cases referred to in Category 1(e);
 - (ix) examinations and reports required for life insurance purposes;
 - (x) examinations and reports for coroners, and attendance at coroners' courts as medical witnesses;
 - (xi) examinations and reports requested by the Courts on the medical condition of an offender or defendant and attendance at court hearings as medical witnesses, otherwise than in the

circumstances referred to in Category 1(f);

- (xii) Form B (Certificate of Medical Attendant) and Form C (Confirmatory Medical Certificate) of the cremation certificates;
- (xiii) examinations and reports for the Criminal Injuries Compensation Board, when a special examination is required or an appreciable amount of work is involved in making extracts from case notes;
- (xiv) services performed by members of hospital medical staffs for Government Departments as members of medical boards;
- (xv) work undertaken on behalf of the Employment Medical Advisory Service in connection with research/survey work, ie the medical examination of work people intended primarily to increase the understanding of the causes of an occupational disease or the effects of a known cause, other than to protect the health of people immediately at risk (except where such work falls within Category 1(a)(vi));
- (xvi) examinations and reports in connections with the routine screening of workers to protect them or the public from specific health risks, whether such screening is a statutory obligation laid on the employer by specific regulation or a voluntary undertaking by the employer in pursuance of his general liability to protect the health of his workforce;
- (xvii) examinations (including chest radiographs) and reports on prospective students of universities or other institutions of further education, provided that they are not covered by Category 1(b)(ii);
- (xviii) examination of blind or partially-sighted persons for the completion of form BD8 (except where this falls within Category 1(e)).