

# Guidance for Trainees 2016 Contract

## Guidance on Work Schedules for Trainees

### Work Schedules

Trainees will be provided with a generic work schedule prior to them starting their placement with the Trust. The work schedule will list and identify:

- Intended learning outcomes (mapped to the educational curriculum)
- Scheduled duties of the trainee
- Time for quality improvement and patient safety activities
- Periods of formal study (other than study leave)
- Number and distribution of hours for which the trainee is contracted

The generic work schedule will form the basis for a personalised work schedule which will be agreed between the trainee and their Educational Supervisor (or Clinical Supervisor where relevant), during the first educational meeting after starting in post. The personalised work schedule will be specific to the trainee and will include their individual personal development plan (PDP) and highlight any learning objectives the doctor may need to achieve in the work placement in accordance with the Foundation Programme Reference Guide/Gold Guide.

The trainee should have an educational review and work schedule discussion at the start and finish of the placement for which the Work Schedule applies. These meetings/reviews may lead to changes in the trainee's Work Schedule if aspects of the Work Schedule are not being achieved, for example where additional hours are found to be required to complete the work, or where educational opportunities cannot be accessed.

The ES/CS will make every effort to agree with the trainee appropriate changes to the Work Schedule, and to implement the changes within a reasonable time, taking into account the remaining duration of the post/placement. If it is not possible to reach agreement or achieve the agreed outcome the trainee may request a Work Schedule Review. Work Schedule Reviews can be requested by the Trainee, Manager of the Department, ES/CS, Director of Medical Education (DME) or the Guardian of Safe Working (GOSW.)

### Review Process

Work Schedule Reviews can be triggered by a request from a Trainee, ES/CS or Service Manager. They can also be triggered by the DME or GOSW following one or more exception reports. The flow charts attached show the process to follow for Work Schedule Reviews.



Safe working flow  
chart.pdf



Training issues  
flowchart.pdf

- Trainees are encouraged to continue exception reporting until the work schedule review is complete
- Where pay is increased as a result of changes to the work schedule, pay will be altered from the date that the change is implemented. Other than in exceptional circumstances, such changes to pay will usually be prospective
- Trainees can request a Work Schedule Review by sending a written request to the ES/CS (form attached), copying in the DME and/or the GOSW email address



Level 1 Work  
Schedule Review Part

- The ES/CS will meet or correspond with the trainee as soon as is practicable, ideally no later than seven working days after a request. If the case is of a serious concern and that there is a risk to patient safety and/or Trainee, the ES/CS will follow this up within seven working days



Level 1 Work  
Schedule Review Part

- The first stage (Level 1 Review) will be an informal discussion between the Trainee and the ES/CS in an attempt to resolve the issue quickly
- The outcome of this discussion will be:
  - No change to the work schedule is required
  - Prospective documented changes are made to the work schedule
  - Compensation or time off in lieu is required
  - Organisational changes, such as review of the timing of ward rounds, handovers and clinics are needed. This may take time to be enacted
- The outcome will be communicated in writing to the Trainee, ES/CS and both the DME and GOSW by the Trainee doctor Support Team.
- If changes are to be made to the work schedule, the department will need to confirm the date of the change and implement the new rota
- The Trainee Doctor Support Team will issue new work schedules to the trainees

### **Appeal Process**

- If dissatisfied with the outcome, the trainee may formally request a Level 2 Work Schedule Review (form attached) within 14 days of notification of the decision. The request must set out the areas of disagreement about the Work Schedule, and the outcome that the trainee is seeking



Level 2 Work  
Schedule Review.doc

- A Level 2 Review discussion shall take place no more than 21 working days after receipt of the trainee's formal written request. A Level 2 review requires a meeting between the ES/CS, the Trainee, a Service Representative and a nominee either of the DME (where the request pertains to training concerns) or of GOSW (where the request pertains to safe working concerns)
  
- The discussion will first consider the outcome of the Level 1 conversation and will result in one or more of the following outcomes:
  - The level 1 outcome is upheld
  - Compensation or time off in lieu is required
  - No change to the work schedule is required
  - Prospective documented changes are made to the work schedule
  - Organisational changes, such as a review of the timing of ward rounds, handovers and clinics, are needed
  
- The outcome shall be communicated in writing to the trainee and will be copied to all present
  
- If changes are to be made to the work schedule, the department will need to confirm the date of the change and implement the new rota
  
- The Trainee Doctor Support Team will issue new work schedules to the trainees
  
- If dissatisfied with the outcome, the trainee may request a Final Stage Work Review (Level 3) within 14 days of notification of the decision. The request must set out the areas of disagreement about the Work Schedule, and the outcome that the trainee is seeking



Level 3 Work  
Schedule Review.doc

- The final stage for a Work Schedule Review is a formal hearing under the final stage of the employer's local grievance procedure, where the DME or nominated deputy will be present as a member of the panel. The hearing will take place within the timeframe specified in the local grievance procedure.
  
- Where the trainee is appealing a decision previously taken by the GOSW, the hearing panel will include a representative from the BMA or other recognised trade union nominated from outside the employer/host organisation, and provided by the trade union within one calendar month.

- The panel hearing will result in one or more of the following outcomes:
  - The Level 2 outcome is upheld
  - Compensation or time off in lieu is required
  - No change to the Work Schedule is required
  - Prospective documented changes are made to the Work Schedule
  - Organisational changes, such as a review of the timing of ward rounds, handovers and clinics, are needed
- The outcome shall be communicated in writing and a copy provided to GOSW and DME
- If changes are to be made to the work schedule, the department will need to confirm the date of the change and implement the new rota
- The Trainee Doctor Support Team will issue new work schedules to the trainees
- The decision of the panel shall be final
- Where at any point in the process of a Work Schedule Review, either the trainee or the reviewer identifies issues or concerns that may affect more than one doctor working on a particular rota, it may be appropriate to review other schedules forming part of that rota. In this case, such reviews should be carried out jointly with all affected doctors and, where appropriate, changes may be agreed to the working pattern for all affected doctors working on that rota, following the same processes as described above.

## Guidance on Exception Reporting for Trainees

Exception Reporting is the mechanism used by trainee doctors to inform the employer when their day-to day work **varies significantly** and/or **regularly** from the agreed Work Schedule. Primarily these variations will be:

- Differences in the total hours of work (including opportunities for rest breaks)
- Differences in the pattern of hours worked
- Differences in the Educational opportunities and support available to the doctor and/or
- Differences in the support available to the doctor during service commitments.

Exception Reports allow the Trust the opportunity to address issues as they arise, and to make timely adjustments to Work Schedules.

**Before submitting an Exception Report, trainees should first see if any issues could be informally resolved by speaking to the Rota Co-ordinator or with their Clinical or Educational Supervisor.**

Trainees should submit exception reports when they underwork or overwork if this is significant and/or regular. If a doctor chooses to work additional hours for educational experience, they should not submit an Exception Report.

Because of unplanned circumstances, a trainee may consider that there is a professional duty to work beyond the hours described in the work schedule, in order to secure patient safety. In such circumstances, the Department will appropriately compensate the individual doctor for such hours, if the work is authorised by their Manager. The authorisation would be given before or during the period of extended working, or afterwards if this is not possible. If pre-authorisation is not possible, the doctor should submit an exception report.

Trainees at Blackpool Teaching Hospitals will use the Allocate eRota system to raise an Exception Report about issues relating to Training and Education or Safe Working Practices. The two flow charts attached show the process that should be followed by all parties involved.



Safe working flow  
chart.pdf



Training issues  
flowchart.pdf

### The Process

All trainees will be given a username and password to access the eRota system. Instructions on how to access the system are available here:



Doctor Account User  
Guide -Exception Rep

## Exception Reports Best Practice

Exception Reports are used to indicate when doctors in training have been required to work outside of their agreed work schedule.

Taken collectively they are an important tool and mechanism to monitor the health of the services we provide to patients and how we support our doctors in training.

They do not record or report planned extra work.

- Report when you feel your work has differed significantly or regularly from your work schedule.
- Submit reports in a professional manner and record as much detail as possible
- Be sure to record what measures you have taken and to whom you have spoken at the time to avoid having to work late or to work without the required support. E.g. a senior colleague or the consultant on call.
- Record the additional hours worked as hours or fraction of hours E.g. 1.25 hours
- Submit the report as soon as possible but certainly within 7 days if a payment is due and within 14 days if TOIL is due.
- You can ask to report directly to the DME or the GOSW if you have good reason
- When you have a closed report and an agreed action submit this ASAP to your rota co-ordinator so the TOIL or payment can be granted.
- If you intend to work more than an average 48 hrs /week (maximum 56 hrs) with paid extra planned work or expect to get payment rather than TOIL for additional unplanned hours of work you must sign a EWTD Opt Out form.

## Issues relating to Safe Working Hours

- If a trainee works under or over their hours detailed in the work schedule, they have the option to submit an Exception Report
- This must be submitted within **7 days if you require payment** or **within 14 days if you would agree with Time off in Lieu**. Time off in Lieu (TOIL) is always recommended as the first option
- Once a trainee raises an Exception Report, their ES/CS will be notified automatically that this has been submitted
- The ES/CS will then need to discuss the Exception Report with the trainee to fully understand the nature of the variation and any actions already taken by the trainee. They must then agree the actions required to address the reported variation or concern. (If it is clear that the trainee chose to stay late, start early or miss a break, the Exception Report will be closed.)
- Before a decision is made, the ES/CS may need to gather further information and discussion may be required from other colleagues, especially the Rota Co-ordinator, to help understand the issue and arrive at a satisfactory resolution

- Once the ES/CS has sufficient information, they will respond to the Exception Report on eRota, with an outcome i.e. Time Off in Lieu or No Action Required
  - If they agree, the ES/CS will confirm one of three actions: 'Time Off in Lieu' (TOIL); ' Payment for Additional Hours'; or 'No Action'
  - The trainee will be sent an email to establish if they agree with the outcome of the exception.
  - If the trainee disagrees, the exception will become a Level 1 review and the ES/CS will re-review; an outcome of which may be 'uphold initial decision'
  - The trainee will then have another opportunity to agree or disagree the outcome and if the trainee still disagrees, the exception will go to a Level 2 review which will be decided by the Guardian of Safe Working Hours as a final decision.
- When an outcome is agreed, if this is TOIL or Payment for Additional Hours the trainee will need to forward the recommendation to the Rota Co-ordinator who will then process this.
- A Work Schedule Review can be requested by the Trainee, ES/CS or the GOSW if the Exception Report(s) indicate a frequent, recurring or significant problem
- `Trainees are encouraged to continue exception reporting until the work schedule review is complete
- Where pay is increased as a result of changes to the work schedule, pay will be altered from the date that the change is implemented. Other than in exceptional circumstances, such changes to pay will usually be prospective
- The trainee can seek the support of the GOSW at any time if they feel uncomfortable with submitting an Exception Report or are unhappy with the process or outcome of an Exception Report
- The GOSW will review the outcome of the Exception Reports to identify whether further improvements to the trainee's working hours are required and/or whether a fine is required to the Division

### **Issues relating to Training issues**

- If a trainee has issues regarding education or training they have the option to submit an Exception Report
- This must be submitted within 14 days of the concern arising
- Once a trainee raises an Exception Report regarding training issues, their ES/CS along with the Director of Medical Education (DME) will be notified automatically that this has been submitted

- The ES/CS will then need to discuss the Exception Report with the trainee to fully understand the nature of the variation and any actions already taken by the doctor. They must then agree the actions required to address the reported variation or concern
- In the case of Educational Opportunities and the support available the ES/CS may need to liaise with the Educational Lead or Head of Department
- Once the ES/CS has sufficient information, they will respond to the Exception Report on eRota system, indicating whether they 'Agree' or they do 'Not Agree' to the Exception Report. The process of Level 1 and Level 2 are as above.
- A Work Schedule Review can be requested by the Trainee, ES/CS or the DME if the Exception Report(s) indicate a frequent, recurring or significant problem
- Trainees can seek the support of the DME at any time if they feel uncomfortable with submitting an Exception Report, or if they are unhappy with the process or outcome of an Exception Report
- The DME will review the outcome of the Exception Reports to identify whether further improvements to the trainees working hours experience are required and/or whether a fine is required to the Division.

### **Immediate Safety Concerns**

- If a trainee has concerns that there is an immediate and substantive risk to the safety of patients or to themselves, this can be indicated within the eRota system. Then this should be raised verbally by the doctor with the clinician responsible for the service in which the risk is thought to be present (typically, this would be the Head of Service or the Consultant on-call)
- Concerns of this nature must be raised urgently. The trainee must also confirm such reports electronically to the ES/CS (via an Exception Report) within 24 hours
- Where appropriate, the trainee will be granted immediate time off from their agreed Work Schedule and/or (depending on the nature of the reported variation) the immediate provision of support to the doctor will be put in place
- The ES/CS and the GOSW will be notified of this within 24 hours. The ES/CS will undertake an immediate Work Schedule Review and will ensure appropriate (and where necessary, ongoing) remedial action is taken



- Where the clinician receiving the report considers that there are serious but not immediate concerns, the clinician will ask the trainee to submit an Exception Report, describing the concern raised and requesting a Work Schedule Review
- Where the clinician receiving the report considers that the single concern raised is significant but not serious, or understands that there are persistent or regular similar concerns being raised, the clinician shall ask the trainee to raise an Exception Report within 48 hours

## General Information

### One HR

All relevant information and documents regarding the 2016 Junior Doctors Contract can be found on our OneHR website. This can be accessed from the Trust or at home via the following link: <http://www.bfwh.nhs.uk/onehr/medical-education/new-junior-doctors-contract/>

Medical weekend rota | SharePoint | November 2016: Team Brief | Value of the Month | Watch video | Patient Stories

Print the checklist | View the pathway | Daily Performance | Education

Click here to access all Better Care Now pathways

Antimicrobial Formulary - For Adults - Access it on your Smart Phone on the GO

IT Equip. | Estates Services | Medical Engineering | Incident Reporting | Pharmacy Meds 24-7 | Alcohol assessment | Productive Ward

Departments: Search: [ ]

System Access: Search: [ ]

Clinical: - Vision - ALERT Access  
 Clerical: - Antimicrobial Guidelines - PDF  
 Training: - CyberLab / CyberRad (Orders and Results)  
 - HISS Live  
 Resources: - HISS Web Live  
 - Pathology  
 A to Z: - Antimicrobial Formulary - Web App  
 - NerveCentre  
 - NexusIA Product Suite  
 - PACS: BFWH Radiology (New Xero)  
 - 2014 Ed: Palliative Care Prescribing Booklet

Advisory Service | oneHR: our first point of access for HR | Appraisals: Six Month Reviews

delighted to announce that Advisory Service is now live. Call us on 01253 9 51600.

oneHR making a difference | Mandatory Training keeping you compliant

<http://www.bfwh.nhs.uk/onehr>

Open the 2016 Appraisal system

HOME

EMPLOYEE STAFF RECORD (ESR)

HUMAN RESOURCES (HR)

INFORMATION GOVERNANCE

LIBRARY & KNOWLEDGE SERVICE

MANAGERS ESR FORMS

MANDATORY TRAINING

MEDACS HEALTHCARE

MEDICAL EDUCATION | 2016 JUNIOR DOCTOR'S CONTRACT

OCCUPATIONAL HEALTH | TRAINING

ORGANISATIONAL DEVELOPMENT | TRAINERS

PAYROLL | SAS DOCTORS

PLACEMENT AND WORKFORCE DEVELOPMENT | PHYSICIAN ASSOCIATES

RECRUITMENT | MEDICAL STUDENTS

RESEARCH & DEVELOPMENT | TRAINEE DOCTOR SUPPORT TEAM

COURSES

Welcome to your oneHR Gateway

Thank you for visiting oneHR.

The website is designed to provide you with easy access to online HR advice, policies and guidelines.

The Workforce and OD Directorate has both corporate and operational responsibilities covering the development and maintenance of employment policies, procedures and systems providing a range of services to both line managers and individual members of staff.

We have produced the oneHR Gateway in order for you to access HR:

... days per week  
 ... with any device  
 ... service for you to ask your questions at any time, our aim is to re-  
 ... 48 working hours

... important to us and should you have any suggestions in relation  
 ... us via 'ask a question' function so we can improve the site and

... oneHR, we hope you found what you were looking for.

oneHR making a difference

Select Language [v]  
 Powered by Google Translate

SEARCH

Search ...

Ask a Question

Frequently Asked Questions

Information Briefings

DOWNLOADS

- Agenda For Change Pay
- Medical and Dental Pay

## **Junior Doctors Forum**

A Junior Doctors Forum has been established which has been put in place to advise trainees on any issues that they may have. These issues will then be discussed at the forum meetings. Members of the forum include junior doctor colleagues from the organisation, the Chair of the LNC and relevant Medical Education colleagues. Trainees should contact one of the members if they have any concerns.

For the full membership list, please visit our OneHR site <http://www.bfwh.nhs.uk/onehr/medical-education/new-junior-doctors-contract/junior-doctor-forum/>

## **Role of Medical Education**

The Medical Education Team (based in the Education Centre) have an open door policy meaning that trainees can speak to a member of the team Monday to Friday 9am-5pm. The team are here to provide support to trainees and to help with any queries or issues they may have. Some key contacts are included at the back of this guidance.

## **Help and Support for Trainees**

<b>Name</b>	<b>Role</b>	<b>Email address</b>	<b>Extension</b>
Nicola Di-Vito	Trainee Doctor Support Team	<a href="mailto:Nicola.Di-Vito@bfwhospitals.nhs.uk">Nicola.Di-Vito@bfwhospitals.nhs.uk</a>	57256
Dr Linda Hacking	Director of Medical Education	<a href="mailto:Dr.Hacking@bfwhospitals.nhs.uk">Dr.Hacking@bfwhospitals.nhs.uk</a>	55244
Laura Davey	Postgraduate Manager	<a href="mailto:Laura.Davey@bfwhospitals.nhs.uk">Laura.Davey@bfwhospitals.nhs.uk</a>	53032
Dr Chris Dunkley	Guardian of Safe Working	<a href="mailto:Dr.Dunkley@bfwhospitals.nhs.uk">Dr.Dunkley@bfwhospitals.nhs.uk</a>	53499
Dr Liz Haslett	Flexible Working Champion	<a href="mailto:Dr.Haslett@bfwhospitals.nhs.uk">Dr.Haslett@bfwhospitals.nhs.uk</a>	53103

---

I acknowledge receipt of this guidance regarding the 2016 Junior Doctors Contract

Print Name.....

Signed.....

Grade.....

Date.....