

Doctors in Training and Trust Grade Doctors Locum Policy (MD 14)

If you require a copy of this policy in an alternative format (for example large print, easy read) or would like any assistance in relation to the content of this policy, please contact the Diversity & Inclusion Officer on 01803 656705.

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Date of Issue:	Oct 2022	Next Review Date:	Oct 2023
Version:	1.5	Last Review Date:	Sept 2022
Author:	Medical Workforce		
Directorate:	Workforce and Organisational Development		
Approval Route			
Approved By:		Date Approved:	
JLNC		22 May 2017	
JLNC		September 2017	
JLNC		May 2018	
JLNC		May 2020	
JDRC/JLNC		October 2022	
Links or overlaps with other policies:			

Amendment History

Issue	Date	Reason for Change
1.1	Sept 17	Inclusion of non-resident on call rate.
1.2	Oct 18	New locum rates
1.3	May 2020	Removal of previous appendix B and reference to TempRe
1.4	July 2020	Changed review date and corrected mistake with non-resident on call rate removed ref to per hour
1.5	Oct 2022	Review and update to locum rates of pay

Rapid Equality Impact Assessment

Policy Title (and number)	<i>Jnr Dr locum policy</i>	Version and Date	1.5 Oct 2022
Policy Author	Medical Workforce		
An (e)quality impact assessment is a process designed to ensure that policies do not discriminate or disadvantage people whilst advancing equality. Consider the nature and extent of the impact, not the number of people affected.			
Who may be affected by this document?			
Patients/ Service Users	<input type="checkbox"/>	Staff	<input checked="" type="checkbox"/>
Other, please state...			<input type="checkbox"/>
Could the policy treat people from protected groups less favorably than the general population?			
<i>PLEASE NOTE: Any 'Yes' answers may trigger a full EIA and must be referred to the equality leads below</i>			
Age	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Gender Reassignment	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Race	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Disability	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Gender	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Pregnancy/Maternity	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Sexual Orientation			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Religion/Belief (non)			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Marriage/ Civil Partnership			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is it likely that the policy could affect particular 'Inclusion Health' groups less favorably than the general population? (substance misuse; teenage mums; carers ¹ ; travellers ² ; homeless ³ ; convictions; social isolation ⁴ ; refugees)			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Please provide details for each protected group where you have indicated 'Yes'.			
VISION AND VALUES: Policies must aim to remove unintentional barriers and promote inclusion			
Is inclusive language ⁵ used throughout?			Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/>
Are the services outlined in the policy fully accessible ⁶ ?			Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/>
Does the policy encourage individualised and person-centered care?			Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/>
Could there be an adverse impact on an individual's independence or autonomy ⁷ ?			Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/>
EXTERNAL FACTORS			
Is the policy a result of national legislation which cannot be modified in any way?			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
What is the reason for writing this policy? (Is it a result in a change of legislation/ national research?)			
outlines the process under which a doctor in training or a Trust Grade doctor may undertake additional locum shifts.			
Who was consulted when drafting this policy?			
Patients/ Service Users	<input type="checkbox"/>	Trade Unions	<input checked="" type="checkbox"/>
Protected Groups (including Trust Equality Groups)		<input type="checkbox"/>	
Staff	<input type="checkbox"/>	General Public	<input type="checkbox"/>
Other, please state...			<input type="checkbox"/>
What were the recommendations/suggestions?			
As per amendment history			
Does this document require a service redesign or substantial amendments to an existing process? <i>PLEASE NOTE: 'Yes' may trigger a full EIA, please refer to the equality leads below</i>			Yes <input type="checkbox"/> No <input type="checkbox"/>
ACTION PLAN: Please list all actions identified to address any impacts			
Action	Person responsible	Completion date	

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1 Policy Statement

- 1.1 The safety of patients is a paramount concern for the NHS. Significant staff fatigue is a hazard to both patients and staff themselves.
- 1.2 Torbay and South Devon NHS Foundation Trust (hereafter referred to as the Trust) is committed to having robust processes in place in order to comply with the responsibilities as outlined in the 2016 Terms and Conditions of Service for NHS Doctors and Dentists in training (TCS) to ensure that any risk is effectively mitigated.

2 Purpose

- 2.1 This policy outlines the process under which a doctor in training or a Trust Grade doctor may undertake additional locum shifts.
- 2.2 The purpose of this policy is to set out the local framework for undertaking additional hours of paid work as a locum for doctors in training working under the Terms & Conditions of Service for Doctors & Dentists in Training 2016.

3 Scope

- 3.1 This policy applies to Doctors and Dentists employed by Torbay & South Devon NHS Foundation Trust under the Terms & Conditions of Service for Doctors & Dentists in Training (England) 2016 and the Local Terms and Conditions of Service for Trust Doctors.

4 Introduction

- 4.1 There is no obligation upon a junior doctor to undertake locum work, nor to opt out of the Working Time Regulations in order to increase the spare hours they have to carry out locum work.
- 4.2 As per the Terms and Conditions of Service for NHS Doctors and Dentists in Training 2016, where a Doctor intends to undertake hours of paid work as a locum, additional to the hours set out in the work schedule, the doctor must initially offer such additional hours of work exclusively to the service of the NHS. However it is expected by the Trust that the doctor will offer additional work to the Trust in the first instance.
- 4.3 The requirement to offer such service is limited to work commensurate with the grade and competencies of the doctor rather than work at a lower grade than the doctor is currently employed to work at.

5 Equality and Diversity Statement

- 5.1 The Trust is committed to preventing discrimination, valuing diversity and achieving equality of opportunity. No person (staff, patient or public) will receive less favourable treatment on the grounds of the nine protected characteristics

(as governed by the Equality Act 2010): sexual orientation; gender; age; gender re-assignment; pregnancy and maternity; disability; religion or belief; race; marriage and civil partnership. In addition to these nine, the Trust will not discriminate on the grounds of domestic circumstances, social-economic status, political affiliation or trade union membership.

- 5.2 The Trust is committed to ensuring all services, policies, projects and strategies undergo equality analysis.

6 Roles and Responsibilities

- 6.1 The junior doctor and the Trust have a mutual obligation to ensure safe working, considering the hours and rest limit set out in schedule 3 of the Terms & Conditions of Service.
- 6.2 Should an individual wish to undertake additional hours on a voluntary basis they may do so by completing the relevant Junior Doctor European Working Time Directive Opt-Out form at Appendix A and return this to Medical Education for inclusion in their personal file. There will only be a requirement for the doctor to complete and sign Appendix A once during their period of employment with the trust.
- 6.3 By signing the form at Appendix, A, the doctor is confirming that they will initially offer their services exclusively to the service of the NHS
- 6.4 Where a junior doctor does not complete and submit the form at Appendix A it will be assumed that they do not wish to work locum shifts via an agency.

6. Practice/Operational Managers/Rota Co-ordinators

- When a locum is required to cover a shift due to a short-term vacancy i.e. to cover sickness or annual leave, then the doctors within that grade can be contacted and offered an additional shift. As much notice as possible should be given to the doctor when offering additional shifts.
- The manager is responsible for ensuring correct remuneration is made to the doctor as set out in Appendix B of this policy. All reasonable steps should be made so that payment is made within the next calendar month from the date of the TempRe payment claim submission.

7 Opting out of the Working Time Regulations

- 7.1 A doctor can carry out additional activity over and above the standard commitment set out in the doctor's work schedule up to a maximum average of 48 hours per week.
- 7.2 A doctor may choose to voluntarily opt out of the WTR average weekly limit of 48 hours, subject to prior agreement in writing with the employer. A decision to exercise this option is individual and voluntary. No pressure will be placed on the doctor to take this option.

- 7.3 Under the Terms and Conditions of Service for NHS Doctors and Dentists in Training (England) 2016 and the Local Terms and Conditions of service for Trust Doctors, where a doctor has, overall hours are restricted to a maximum average of 56 hours per week, across all or any organisations with whom the doctor is contracted to work or otherwise chooses to work. This must be calculated over the reference period defined in WTR.
- 7.4 Under the Terms and Conditions of Service for NHS Doctors and Dentists in Training 2016 a doctor opting out of the WTR weekly limit is still bound by all of the other limits set out in the WTR and in the TCS. Both the Doctor and their practice manager has responsibility to ensure that by undertaking the additional shift/s that they do not breach the contractual limits on working hours and protected rest periods as set out in the Terms and Conditions of Service for NHS Doctors and Dentists in Training 2016 Schedule 3.
- 7.5 The doctor can opt out of the WTR average weekly working hours by completing the form in Appendix A. By signing the opt-out agreement the doctor agrees to opt out indefinitely. To end the agreement the doctor must give written notice to the Trust. The notice period shall be 2 months.
- 7.6 Whereby a Doctor is employed by a Lead Employer but works for the Trust in its' role as a Host organisation, the Trust will expect the doctor to sign Appendix A prior to completing any Locum Work.

8 Exception Reporting

- 8.1 Undertaking additional locum shifts is done so by choice of the individual doctor, and should not breach any of the contractual limits on working hours and protected rest periods as set out in Appendix B. Therefore doctors should not submit exception reports for locums shifts they choose to undertake.
- 8.2 If by undertaking an additional locum shift it is found that the shift goes beyond the agreed hours i.e. 9-5pm shift is agreed but due to service requirements the locum works until 6.30pm then payment on the additional hours will be at the locum rate.

9 Authorisation and Remuneration

- 9.1 All locum shifts requests and payments will be through the Trust TempRe system.

10 Training and Awareness

- 10.1 Advice and support will be provided by Medical Workforce to support staff and managers in adhering to this policy and their understanding of dealing with requests for additional hours to secure patient safety.
- 10.2 Medical Workforce will raise awareness of this policy through induction processes, the publication of information on ICON and to advise staff of changes to the policy through the staff bulletin and ratification processes.

11 References

- 11.1 Terms and Conditions of Service for NHS Doctors and Dentists in Training 2016.
- 11.2 BMA Junior Doctor model locum work policy

12 Contact Details

- 12.1 Any queries regarding this policy should be directed to Medical Workforce, People Directorate.

- Sdhct.Medicalhr@nhs.net

13 Monitoring, Audit and Review Procedures

- 13.1 This policy will be monitored and audited on a regular basis. A full review will take place every two years by the Directorate of Workforce and Organisational Development unless legislative changes determine otherwise.

Appendix A – Intention to Undertake Additional hours of locum work and opt-out form

Please note that if you are selecting to work a maximum average of 48 hours per week you are not opting out of the European Working Time Directive (EWTd).

You may choose to work more hours than this and to opt out of the European Working Time Directive which allows you to work up to the maximum average of 56 hours per week. Should you wish to undertake additional hours on a voluntary basis you may do so by completing the relevant Junior Doctor European Working Time Directive Opt-Out form below. You are not allowed to opt out of the rest requirements. You are under no obligation to work longer hours or sign an opt-out letter. Should you wish to review the relevant requirements and rest periods under either the European Working Time Directive or Junior Doctor Contract limits you can do so by referring to the Junior Doctor Terms and Conditions which can be found on the NHS Employers website.

This does not exempt the worker from the rest requirements in the legislation or in their contract, nor does it exempt them from the hours’ limits in their contract.

If you intend to work additional locum hours with Torbay & South Devon NHS Foundation Trust or with another employer you will need to sign the enclosed waiver form and return this to the Medical Education Department *Horizon Centre, Torbay Hospital*.

Please note this agreement may be cancelled at any time, subject to you giving 1 months’ written notice to the Trust.

I intend to carry out additional activity over and above the standard commitment set out in my work schedule up to:

	<i>Please tick to identify which maximum you will be working to:</i>
a) a maximum average of 48 hours per week	
b) a maximum average of 56 hours per week **If you have selected option (b) you will be required to complete the ‘Opt Out’ section of this form at page 10 at (A)	

Any Doctor wishing to undertake additional hours of Locum Work is required to complete this form

(A) To be completed by Doctors wishing to Opt Out of the Working Time Regulations (WTR):

I am writing to you to notify that I wish to exercise my right under ‘Article 5 of the Working Time Regulations 1998’ to opt out of the hours limits set by it. I understand that this does not exempt me from the rest requirements under the Working Time Regulations or the hours’ limits and rest requirements in the national terms and conditions of service for UK Junior Doctors. **My hours of work shall be up to a maximum average of 56 hours per week.**

In addition, I understand that you must keep my details, how long I have opted out for and the details of any additional hours worked and I give you permission to do so.

By signing this agreement I note that the Trust will pay me for any additional hours I may perform under this opt out until such a time as a review is necessary, or instituted by either party with agreement from both sides.

I understand that the decision to Opt Out of the EWTD will be valid for the duration of the contract/contracts with Torbay & South Devon NHS Foundation Trust.

I understand that I retain the right to cancel this agreement at any time giving 2 months’ written notice to the Trust if I wish to revoke the agreement and that there will be no undue pressure for me to undertake additional work.

Signed Date.....

Name (please print)

Position.....

(B) To be completed by doctors wishing to undertake additional hours of locum work:

I understand my responsibility when completing Locum work not to breach any of the contractual limits on working hours and protected rest periods as set out the Terms and Conditions of Service for NHS Doctors and Dentists in Training 2016 Schedule 3.

This includes whereby I have undertaken Locum shifts outside of the Trust as this will also be considered when determining whether I am working within safe limits.

I shall not offer my availability for Locum work whereby this would result in a breach of any of the contractual limits.

Signed.....Dated

Name (please print)

Position.....

Appendix B – Remuneration for Locum Shifts

Trainee Doctor Grade	Social Per hour	Unsocial (per hour) week nights 21:00-07:00 weekends Friday 21:00 to 07:00 Monday
F1	£30	£32.50
F2	£40	£42.50
ST & CT 1&2	£50	£52.50
ST3+	£65	£67.50
Non Resident On Call	Standard Retainer Rate £40	