

Junior Doctors Annual Leave Policy (MD3)

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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Version:	2	Last Review Date:	June 2023
Author:	Medical Workforce Service		
Directorate:	People Directorate		
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Approved By:		Date Approved:	
Junior Dr Assurance Group		October 2016	
LNC		Feb 2017	
JLNC		May 2019	
JLNC		August 2021	
JDRC		July 2023	
Links or overlaps with other policies:			
Terms & Conditions of Service for Doctors & Dentists in Training 2016.			
H9 Special Leave Policy			

Amendment History

Issue	Date	Reason for Change
V1.1	March 2017	Amendments at paragraphs 3.2, 7.6, 8.2
V1.2	July 2018	Amendment at paragraph 6.7, 7.2
V1.3	May 2019	Amendments at paragraph 5.2 6.7 7.2 7.4 removal paragraph 9.3
V1.4	August 2021	Inclusion of TOIL and new section 9
V2	August 2023	General Review – changes to para 5.1 5.2, 7.6, 8.2

Rapid Equality Impact Assessment

Policy Title (and number)		Jnr Dr Annual Leave	Version and Date		V2 August 2023
Policy Author		Medical Workforce Service			
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"/>	Sexual Orientation	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"/>	Religion/Belief (non)	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"/>	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 checked="" type="checkbox"/> No <input type="checkbox"/> NA <input 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 checked="" 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 may make a request to take annual leave.					
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?					
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 checked="" type="checkbox"/>
ACTION PLAN: Please list all actions identified to address any impacts					
Action	Person responsible		Completion date		
AUTHORISATION:					
By signing below, I confirm that the named person responsible above is aware of the actions assigned to them					
Name of person completing the form	Medical HR Manager				
Validated by (line manager)					

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1 Policy Statement

- 1.1 It is in the interest of doctors' health and wellbeing and the continued safety of patients in their care, that they take their full annual leave entitlement.
- 1.2 The Trust will work together with the doctor to make every effort to ensure that they are able to take the full annual leave entitlement.

2 Purpose

- 2.1 This policy outlines the process under which a doctor may make a request to take annual leave. The terms under which annual leave may be taken and the payment for annual leave is outlined in Schedule 01 of 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 2016 and Locally Employed Trust Doctors.
- 3.2 The policy also applies to GP trainees during their placement with Torbay & South Devon NHS Foundation Trust.

4 Equality and Diversity Statement

- 4.1 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.
- 4.2 The Trust is committed to ensuring all services, policies, projects and strategies undergo equality analysis.

5 Roles and Responsibilities

- 5.1 **Doctors & Dentists in Training/Trust Doctors are responsible for:**
 - Providing a minimum of six weeks' notice of annual leave to be approved.
 - Working with their departments to ensure that leave is appropriately planned and taken across the year to ensure that a safe and effective service is deliverable.
 - Where necessary arranging to swap shift(s) attracting an enhanced rate of pay or an allowance with another doctor on the same rota.

5.2 Practice Managers are responsible for:

- Working with the doctor to ensure that leave is appropriately planned and taken across the year.
- Approving leave in line with needs of the service and appropriate cover arrangements being in place. Each department must ensure that they have the correct number of people in work to ensure that a safe and effective service is deliverable (this must take into account potential sickness, special leave etc). During holiday periods particular attention should be paid to a team-based approach to deliver safe and effective care.
- Together with the doctor(s) concerned confirming that any swap of shifts does not override the safeguards on hours and rest as set out in Schedule 3 of the Terms & Conditions of Service for Doctors & Dentists in Training 2016.
- Ensuring that where the leave requested, relates to shift(s) attracting an enhanced rate of pay or an allowance, the doctor has made arrangements to swap with another doctor on the same rota.
- Approving leave (following discussion with their Clinical Service Lead) for life-changing events, for example a doctors' wedding day providing appropriate notice has been given.
- Ensure the junior doctor receives a response advising whether or not the request has been approved within 10 working days of the submission of the Annual Leave Request Form.
- Escalating to Clinical Service Lead and Operational Manager for advice on service cover, in cases where leave has not been able to be approved and as a result the junior doctor may not be in a position to take all of their leave entitlement.

6 Annual Leave Entitlement

- 6.1 The annual leave year runs from the start date of the doctor's appointment.
- 6.2 The annual leave entitlement for a full time doctor is as follows, based on a standard working week of five days:
- On first appointment to the NHS = 27 days
 - After Five years completed NHS service = 32 days
- 6.3 These leave entitlements include the two extra statutory days previously available in England under the 2002 Terms and Conditions of Service.

- 6.4 Where the doctors' contract or placement is for less than 12 months, the leave entitlement is pro rata to the length of the contract or placement.
- 6.5 Any doctor working less than full time will be allocated leave on a pro rata basis.
- 6.6 It may be appropriate for leave to be calculated in hours for some doctors.
- 6.7 The junior doctor and the Trust will work together to ensure that leave is planned and taken across the year. In general leave should be taken pro rota in each rotation. This is to ensure both attendance at training and the maintenance of service delivery, and to protect the safety of both doctors and patients. The service/department will ensure where possible that leave is not carried forward into the doctors following rotation causing operational pressure.

7 Making an Annual leave Request

- 7.1 A doctor should provide a minimum of six weeks' notice of annual leave to be approved. The earlier a request is submitted the greater opportunity the speciality has to honour the request. Where requests are submitted with less than six weeks' notice, due to exceptional circumstances or with the appropriate notice for life changing events, the speciality will do its best to accommodate the request.
- 7.2 Applications for annual leave should be completed and submitted to the Practice Manager for the area where leave is requested by way of the annual leave request form (Appendix 1), or for trainees working within Medicine the online application:

<https://icon.torbayandsouthdevon.nhs.uk/areas/medical-rotas/Pages/leave-applications.aspx>
- 7.3 The Trust will make all reasonable efforts to accommodate leave requests where appropriate notice has been provided.
- 7.4 If the leave request includes working hours that attract an enhanced rate of pay or allowance it is the doctor's responsibility to swap this shift(s) with another doctor on the same rota. It is acknowledged that this can prove difficult, the doctor should seek support and assistance from their Practice Manager.
- 7.5 The leave request will only be confirmed/approved once the Annual Leave Request Form has been completed and signed by both the Practice Manager and Clinical lead.
- 7.6 The applicant should receive a response from the Practice Manager advising whether or not the request has been approved within 10 working days of the submission of the Annual Leave Request Form.
- 7.7 If, due to circumstances beyond the doctors' control, a reasonable request is made for leave outside the minimum six weeks' notice period, then the Trust will fairly consider this request while paying due regard to service requirements.

7.8 While practice managers may identify periods for leave to be taken that has least impact on service provision, doctors & dentists in training/trust doctors are not obliged to accept these allocation (including fixed leave)

7.9 In circumstances where urgent and unforeseen needs arise, other leave may be considered under the Special leave policy (H9)

8 Requesting Leave for Shifts attracting an Enhanced Rate of Pay or Allowance

8.1 As leave is deducted from the rota before average hours are calculated for pay purposes, as set out in paragraph 11 of Schedule 4 of the terms and conditions of service, leave may not be taken from shifts attracting an enhanced rate of pay or an allowance, as set out in Schedule 2.

8.2 Where a doctor wishes to take leave when rostered for such a shift or duty, the doctor must arrange to swap the shift or duty with another doctor on the same rota. The doctor must ensure that any swap of shifts does not override the safeguards on hours and rest as set out in Schedule 3 of the Terms & Conditions of Service for Doctors & Dentists in Training 2016.

8.3 The doctor will need to ensure that the Practice Manager is made aware of such swaps. It is the doctor's responsibility to arrange such swaps and the Trust is not obliged to approve the leave request if the doctor does not make the necessary arrangements to cover the shifts.

9 Requesting Leave Prior to Starting in Post and/or Receiving a Rota

9.1 Any requests for annual leave prior to starting a post or receiving a rota are made by emailing your rota coordinator or practice manager prior to starting. These requests will be considered in good faith and the specialty will do their best to accommodate the individual.

9.2 Where the request for leave relates to a "life changing event" it will be honoured where the doctor has provided a minimum 6 weeks' notice of annual leave. Where the individual has been unable to provide the minimum 6 weeks' notice the speciality will endeavour to accommodate the life changing event" wherever possible.

10 Carry Over of Annual Leave

10.1 Where exceptional circumstances or service demands have prevented a doctor from taking the full leave allowance, 2 days of leave per rotation may be carried forward within the Trust up to a maximum of 5 days in total across the annual leave year (pro rata for contracts or placements of less than 12 months' duration or for doctors who work less than full time).

- 10.2 This is not an automatic entitlement and must be with the agreement of the Practice Manager for the receiving department and Clinical Lead with confirmation that the inability to take leave was out of the individuals control as identified above.

11 Payment for Annual Leave

- 11.1 There are two possible situations where payment for annual leave may be applicable:
- 11.1.1 Where an individual leaves the Trust prior to the end of their fixed term contract. The annual leave entitlement would need to be recalculated based on the date the doctor is finishing with the Trust. Any previous taken leave would then need to be deducted from the new entitlement to determine whether there is any outstanding annual leave entitlement.
- 11.1.2 Where an individual's fixed term contract has come to an end and due to exceptional circumstances or service demands they have been unable to take their full leave allowance.
- 11.2 Payment is calculated on the basis of what the doctor would have received had the doctor been at work, based on the doctor's work schedule on a 52-week reference period.

12 Public Holidays

- 12.1 Public Holiday entitlement, as recognised by the NHS and set out in the Terms & Conditions of Service for Doctors & Dentists in Training 2016, is additional to annual leave entitlement.
- 12.2 A doctor working less than full time is entitled to paid public holidays at a rate no less than pro rata to the number of public holidays for a full-time doctor, rounded up to the nearest half day.
- 12.3 Public holiday entitlement for a doctor working less than full time shall be added to annual leave entitlement, and any public holidays shall be taken from the combined allowance for annual leave and public holidays.
- 12.4 A doctor who in the course of their duty is required to be present in the hospital (or other place of work) at any time (from 00.01 to 23.59) on a public holiday, or who is rostered to be on call on a public holiday, will be entitled to a standard working day off in lieu.
- 12.5 Where a doctor's working pattern includes scheduled rest days and such a day falls on a public holiday, then the doctor will be given a day off in lieu of the public holiday.
- 12.6 Where a public holiday, including Christmas Day (25 December), Boxing Day (26 December) or New Year's Day (1 January), falls on a Saturday or a Sunday, the public holiday will be designated instead as falling on the first working weekend

thereafter. In such circumstances, no day off in lieu then arises for the work undertaken on Christmas Day (25 December), Boxing Day (26 December) or New Year's Day (1 January).

13 TOIL

- 13.1 In general TOIL should be accrued before it is taken. However, it is recognised that it can be in the interests of the service and individual doctor if TOIL is scheduled and taken before the additional time is worked.
- 13.2 Where TOIL is taken BEFORE it is accrued and the individual is subsequently unable to work the scheduled additional hours, this time should be worked on an alternative date or pay adjusted accordingly if this is not possible.

14 Training and Awareness

- 14.1 Advice and support will be provided by the Medical Workforce Service to support staff and managers in adhering to this policy and their understanding of dealing with requests for annual leave.
- 14.2 The Medical Workforce Service will raise awareness of this policy through induction processes and to advise staff of changes to the policy through the ratification processes.

15 References

- 15.1 Schedule 09 of the Terms & Conditions of Service for Doctors & Dentists in Training 2016.
- 15.2 Special leave policy (H9)

16 Contact Details

- 16.1 Any queries regarding this policy should be directed to Medical Workforce.
- Medical Workforce sdhct.medicalhr@nhs.net

17 Monitoring, Audit and Review Procedures

- 17.1 This policy will be monitored and audited on a regular basis. A full review will take place every two years by Medical Workforce unless legislative changes determine otherwise.

18 **Appendix 1 – Annual Leave/Lieu Days Request Form for Doctors in Training & Trust Doctors**

SECTION A: To be completed by doctor		
Name: (In CAPITALS)		
Job Title: i.e. F1 or F2 etc		
Department/Specialty:		
Work Email address for Correspondence:		
Period of Leave <i>Requests for leave must be made at least six weeks before leave commences.</i>	From:	To:
Number of days Annual Leave		
Please confirm dates & times of duties attracting an enhanced rate of pay or allowance during the above period of leave:		
Request for Days in Lieu of Bank Holidays or Additional Hours Worked		
Number of Lieu days requested:		
Provide Dates of Bank Holidays/Additional Hours worked:		
Please confirm dates & times of on-call duties, including weekends, during the above period of leave:		
I confirm that where there I am scheduled to work on-call or duties attracting an enhanced rate of pay or allowance I have made arrangements for these duties to be swapped with:		
Name of Doctor covering duties:.....		
I confirm that this swap does not breach the safe working hours as set out in Schedule 3 the Terms & Conditions of Service for Doctors & Dentists in Training 2016		
Employee Signature:	Date:	
SECTION B: To be completed by the Practice Manager		
Swaps of duties still comply with the safe working hours as set out in Schedule 3 the Terms & Conditions of Service for Doctors & Dentists in Training 2016. <i>If No the leave request cannot be approved and alternative arrangements should be made.</i>	YES <input type="checkbox"/>	NO <input type="checkbox"/>
There is sufficient cover available to maintain service delivery at a safe level.	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Leave Request Authorised:	YES <input type="checkbox"/>	NO <input type="checkbox"/>

If the authorisation is refused detail the reason for the refusal:	
Approved on behalf of the medical team by:	
Lead Clinician Signature:	Date:
Name (CAPITALS):	

*copy sent to Practice Manager of the Specialty for action
copy should be forwarded to Medical Education for retention on Personnel file*