

Junior Doctors Contract 2016 – FAQs

What happens if I refuse to sign the contract?

You have been offered the 2016 terms and conditions of service (TCS), and are free to choose whether or not to accept the contract.

If you refuse to accept the terms offered, you would not be employed, which would have implications for your progression through your training pathway and, in a more immediate sense, you would not be paid.

What if I start working, but don't actually sign the contract?

Legally, if you start work under the 2016 terms and conditions this constitutes your acceptance of the contract.

It doesn't matter whether you have physically signed and returned the document you have been given. Once you have started working in your new post, this constitutes mutual agreement to the new terms.

Does this constitute my employer unilaterally changing my employment terms without my consent?

No, because this is either your first contract at the Trust, OR your current Trust contract is due to expire shortly and you have therefore been offered the new contract when your existing one expires.

You have been offered the 2016 terms; this does not constitute a change to any existing contract, but rather a replacement of the one which will expire.

What is the Junior Doctors Forum and when will it be held?

The new terms and conditions for the 2016 contract include a requirement for a junior doctors' forum to be set up.

This forum advises the Guardian of Safe Working and Director of Medical Education and includes trainees from the Trust, including the relevant LNC representatives and Chair of the LNC.

This forum is an opportunity for trainees to come together locally and work together to ensure their colleagues' views and concerns are represented to management, and to share knowledge and ideas about how to improve their working lives.

Meetings are currently being held monthly. Contact Lisa Smith for further details or if you are interested in joining the forum.

Can I still undertake locum work?

The 2016 contract restricts the way trainees can do locum work.

If you intend to undertake hours of paid work as a locum, additional to the hours set out in your work schedule, you must initially offer such additional hours of work exclusively to the service of the NHS via an NHS staff bank. You will be offered the opportunity to join the bank at induction.

Further information will be provided regarding who you should report this to.

If you offer hours of locum work to the NHS staff bank but there is no suitable work available, you are then released from the terms of Schedule 3, paragraph 43, and given permission to find locum shifts elsewhere (for example, through an agency).

You must inform your employer of your intention to undertake additional hours of locum work if this is for an alternative employer.

What if I work more than my contracted hours?

If you consider that there is a professional duty to work beyond the hours described in your work schedule in order to ensure patient safety, you should seek pre-authorisation from your Clinical Supervisor and Directorate / Deputy Directorate Manager before you undertake the additional hours. If you are unable to obtain pre-authorisation you should submit an exception report.

What is exception reporting?

Exception reporting allows you to quickly and easily flag up if your actual work has varied ***significantly and/or regularly*** from your work schedule.

It also allows for you to receive time off in lieu, or pay if TOIL can't be taken, for extra hours of work you were required to do to ensure patient safety.

Login details for the [DRS4](#) exception reporting system will be emailed to you on the first day of your placement.

What exceptions can be reported?

You can exception report anything that constitutes a variation to your work schedule and could include you having to work extra hours on the grounds of patient safety, you not meeting your training needs, not being able to take your breaks, etc.

Will I get paid for extra hours?

Not all exception reports for extra hours will result in pay – this mechanism is designed first and foremost to ensure trainees' (and ultimately patient) safety.

Therefore the preferred compensation will always be time off in lieu to enable you to catch up on rest and ensure you are safe to work.

If you are exception reporting a breach of your work schedule that also constitutes a breach of the maximum safe working limits then you can be paid an enhanced rate and a fine will be levied to the Trust for this breach.

Who is the Trust's Guardian of Safe Working?

The Trust's Guardian of Safe Working is Lisa Smith and she can be contacted as follows:

Lisa.smith@york.nhs.uk

01904 721236 (external)

772 1236 (internal)

07818 427420 (mobile)

The Guardian of Safe Working will act as a champion of safe working hours for trainees.

Further details of the guardian's responsibilities can be found in Schedule 6, paragraph 10, of the TCS.

Please do not hesitate to contact a member of the Medical Staffing team if you have queries relating to the new contract.