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Dear Colleague

## IMPROVING JUNIOR DOCTOR WORKING LIVES

### Summary

1. This DL advises NHSScotland employers of the introduction of a minimum rest period to be applied following full shift night working, and of flexibilities to be implemented to allow Junior Doctors to access leave for significant life events. Both agreements have been reached in negotiation between NHS Employers, Scottish Government and the BMA Scottish Junior Doctors Committee as part of the Improving Junior Doctor Working Lives group.

### 46 Hours Rest

2. From 7 August 2019 (Junior Doctor rotation date), all Junior Doctor Full Shift rotas will apply a minimum rest period of 46 hours off after any run of full shift night working. **ANNEX A** details this agreement as well as setting a target for February 2019 of 85% compliance with this rule.

### Leave for Significant Life Events.

3. Agreement has been reached to ensure Junior Doctors can access leave for significant life events and is detailed in **Annex B**. This applies with immediate effect.

### Monitoring

4. MSG and the Scottish Government will monitor progress towards the 7 August 2019 target for implementation of the 46 hour rest period.

**DL (2018)16**

**23 August 2018**

### Addresses

#### For action

Chief Executives,  
NHS Boards  
Special Health Boards  
NHS National Services Scotland  
(Common Services Agency)

Directors of Human Resources,  
NHS Boards and Special Health Boards  
and NHS National Services Scotland  
(Common Services Agency)

#### For information

Members, Management  
Steering Group  
Members, British Medical  
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**Action**

5. Boards are asked to put the necessary arrangements in place to ensure these deadlines are met.
6. NHS Boards, Special Health Boards and NHS National Services Scotland (Common Services Agency) are asked to ensure that this letter is drawn to the attention of all necessary and interested parties.
7. Employers are asked to make their own arrangements for obtaining additional copies of this Director's Letters (DL) which can be viewed at [www.sehd.scot.nhs.uk](http://www.sehd.scot.nhs.uk).

Yours sincerely

A handwritten signature in black ink that reads "Shirley Rogers". The signature is written in a cursive, flowing style.

**Shirley Rogers**

Director, Health Workforce, Leadership and Service Transformation Directorate

**BMA/MSG Agreement on 46 Hours rest following a period of Night Shifts**

Following negotiation between MSG (representing NHS Scotland employers and the Scottish Government) and the BMA's Scottish Junior Doctors Committee (SJDC), agreement has been reached to implement a minimum period of 46 hours rest following Full Shift night working.

Most Junior Doctor rotas in NHS Scotland are already compliant with this rule but there are a number which are not compliant. It is expected that arrangements are now being put in place by boards to make these rotas compliant by the Junior Doctor rotation date in August 2019

A minimum rest period of 46 hours off will be implemented following any block of Full Shift night working, and should commence on conclusion of the final night shift. This will mean that from finishing the last night shift in any stretch (the majority of rotas work a four / three night split as Junior Doctors no longer work seven nights in a row), a Junior Doctor will not be expected to be back at work for a minimum period of 46 hours.

This is for Full Shift rotas and working only, and does not impact on On Call, Partial Shift or 24 Hour Partial Shift rotas. On a hybrid rota which contains Full Shift night working, then the minimum rest period must be given after any block of Full Shift nights.

Although the implementation of the new rule by August 2019 only applies to Full Night Shifts, MSG and SJDC will undertake further joint work to determine whether there are any rotas where Partial Shift working gives rises to the same concerns about adequate rest. Any concerns arising from this work will be brought to the regular MSG/SJDC meetings for consideration. For the avoidance of doubt, shifting any rota from Full Shift nights to Partial Shifts is unlikely to be an appropriate response to the 46 hours rest rule.

Any proposed changes to the working patterns of SAS doctors working on junior doctor rotas arising from the implementation of the new rule must be made through the established individual job plan review process, in line with the SAS terms and conditions of service.

**Implementation Dates**

NHS Boards are expected to fully comply with this rule by the Junior Doctor rotation date in August 2019. A milestone compliance target of 85% by the February 2019 rotation date has also been agreed.

Implementation of this agreement will be conducted in a way which maximises staff and patient safety and takes account of service sustainability.

## **Governance / Monitoring**

MSG and SG will work with boards to assess progress and report this regularly to the MSG/SJDC meetings. This monitoring will form part of the routine New Deal monitoring conducted by Scottish Government Health and Social Care Directorates.

There are a range of tools, such as PCAT (Professional Compliance Assessment Tool) and existing hours monitoring arrangements which will support Boards in implementing the agreed provision. In addition, it will be expected that any Boards who are experiencing challenges in implementing within the above timescales will conduct full staff and patient safety, training quality, service sustainability and financial risk assessments. Any issues that arise from these assessments will be discussed at the MSG/SJDC meetings.

## **Rural General Hospitals**

The working group recognised the unique circumstances of the six Rural General Hospitals and the need for further work to be undertaken to determine how sustainability can be maintained while ensuring staff and patient safety. This may require some flexibility in the implementation of the 46 hours rest rule, and the development of solutions based on local circumstances. Proposals for each hospital will be submitted for discussion at the MSG/SJDC meetings. The Rural General Hospitals are:

- Gilbert Bain Hospital, NHS Shetland
- Balfour Hospital, NHS Orkney
- Western Isles Hospital, NHS Western Isles
- Caithness General Hospital, NHS Highland
- Lorn and Isles Hospital, NHS Highland
- Belford Hospital, NHS Highland.

**Junior Doctors - Leave for Significant Life Events**

Employers recognise the importance of doctors taking annual leave for significant life events and will normally allow annual leave to be taken for such life events (for example a wedding). Where possible, doctors will provide a minimum of six weeks' notice of annual leave to be approved. There may be significant life events that determine the doctor to give less than six weeks' notice, and in these cases, doctors must notify the employer requesting leave as early as possible.