

1. Annual leave, study leave and public holidays

Q: I have pre-booked annual leave, can I still take it?

It is likely staff will have booked annual leave during the period of the pandemic. Due to the additional pressure the Trust will face, it is expected that the division will need to consider carefully whether to ask staff to cancel pre-booked annual leave. The Trust will consider planned leave and how annual leave requests might be taken both over the Easter period and beyond.

Q: I plan to book annual leave in the next couple of weeks, will it be approved?

It is unlikely any new annual leave requests will be approved in April 2020. However staff rest and recuperate at a time of the pandemic is vital. The Trust will consider how to ensure that staff have enough rest in order to maintain their own physical and mental wellbeing.

Q: What happens to our annual leave, I am due to leave the Trust in August?

Where staff cannot use their full entitlement of annual leave because of the pandemic, the Trust leave policy will be paused to ensure maximum flexibilities in relation to carrying over of leave to the next leave year will be considered.

The government has introduced a temporary new law to deal with coronavirus disruption.

Employees can carry over up to 4 weeks' paid holiday over a 2-year period, if they cannot take a holiday due to coronavirus.

For example, this could be because:

- They're self-isolating or are too sick to take a holiday before the end of their leave year
- They've had to continue working and could not take paid holiday

If an employee or worker leaves their role or is dismissed during the 2-year period, any untaken paid holiday must be added to their final pay ('paid in lieu') as per normal practice.

Q: I am working bank holiday, do I get a day off in lieu?

Staff working on public holidays will be entitled to standard 8 hours back in lieu.

A doctor who in the course of their duty is required to be present in the hospital 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 also be entitled to a day off in lieu.

Where a doctor's working pattern includes scheduled rest days (sometimes known as zero hours' 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.

Q: Can the Trust cancel my study leave?

The Trust can cancel pre-booked days of study leave to meet service requirements. Trainees should endeavour to obtain a refund for any pre-booked expenses. If they are unable to do so HEE will honour the claim, but you should provide evidence when you submit the claim that the expense was non-refundable.

All requests for study leave time not taken during the outbreak will be properly considered and will be subject to the need to maintain NHS services, and training requirements for completion of programmes.

2. Absence from work

All sickness absence including those in isolation needs to report into the Trust's First Care system on 0333 321 8118. This will then be recorded on the roster and HR team will call you for testing.

Further information about COVID-19 symptoms, isolation and returning to work guidance can be found on the intranet.

Q: I'm pregnant - can I start maternity leave early?

The earliest that maternity leave can begin is 11 weeks before the due date.

The division must assess the workplace risks for pregnant employees and their unborn children. They must keep these risks under review as circumstances change and as your pregnancy progresses.

Q: Can I return to work during maternity, adoption and shared parental leave, or end their leave early?

The NHS offers generous occupational maternity, adoption, and shared parental leave pay, well above statutory levels. However, for staff who choose to work when they would otherwise be on leave, it is important that they do not lose their contractual entitlement.

Staff can work up to ten keeping in touch (KIT) days while on maternity or adoption leave, without bringing their maternity/adoption leave to an end. Staff on shared parental leave can work up to 20 shared parental leave in touch (SPLiT) days without ending their shared parental leave. This means that many employees will have access to up to 30 days where they can work, without bringing their paid family-related leave entitlements to an end.

3. Rotas/working hours

Q: Are the 2019 junior doctor term and conditions still in place?

The past few weeks have already seen junior doctors alongside other healthcare workers across the country demonstrating extraordinary levels of commitment and willingness to go above and beyond usual expectations. To ensure that these efforts are sustainable in the weeks and months to come, it is of paramount importance that staff are not working in a manner that compromises their health or safety or that of their patients.

The Terms and Conditions of Service for NHS Doctors and Dentists in Training (England) 2016 (TCS) contain a range of safe working hours restrictions and rest requirements, designed to protect trainees from excessive fatigue and burnout. Where it is feasible to do so, these protections will continue to be applied as far as possible during the coming weeks spent facing the COVID-19 pandemic.

NHS Employers and the BMA have agreed where not possible to implement, relevant working hours restrictions and rest requirements, the TCS will be suspended and that the Working Time Regulations 1998 (WTR) will be the fallback position for the duration of the pandemic.

Q: Which rules are the Trust applying?

During the outbreak, where we are unable to meet obligations under the definitions of safe and appropriate levels of cover within the limits of the TCS, we have applied the following:

- Removed the limit on the frequency of weekend working, which is currently no more than one in two weekends.
- Up to five consecutive long shifts rostered, where upon conclusion of the fifth shift, 48 hours of rest is given.
- Up to eight consecutive days of work, where 48 hours of rest is given upon the conclusion of the shift on the eighth day.
- Five consecutive nights could be worked through a junior doctor choosing to undertake additional shifts on top of the normal maximum of four consecutive nights.
- Lifting the limit on consecutive non-resident on-call periods to allow two consecutive 24-hour duties, provided the following shift has no fixed clinical activity the morning after (i.e. theatre list or clinic) which can't be cancelled to allow compensatory rest if required.

Q: Can I be asked to act outside of my normal role?

Yes, due to the exceptional circumstance of the ongoing outbreak, trainees can be asked to act outside of their normal role. However, you need to continue to work within your scope of competence and receive adequate training and supervision.

4. Pay issues

Q: Now that my rotations are frozen, will my pay stay the same?

Yes, unless you are allocated to a new rota, which offers more money, whereby your salary will be uplifted during this period. Should the new rota offer lower pay, you will be pay protected on your current pay.

Q: Will I receive a new work schedule/contract?

You will not receive a personalised work schedule, however we will distribute work schedules by grade for you to understand the breakdown of pay calculations within your new rota. Medical workforce team endeavour to have this emailed out to all affected trainees by the week commencing 13th April 2020.

Q: How is additional work to support the pandemic being paid?

The E-rostering team are currently working with divisions and having ongoing discussions in regards to demand and running through new rotas. If the additional work is not being incorporated into rotas, doctors will be paid via bank for extra work undertaken.

Q: I was due to move to another rota with effect from 01 April with more pay, will the Trust still honour that even though the rota will now be different?

This issue is currently in discussion with the BMA and NHS employers, we will update you as we receive further information.

Q: I am a LTFT trainee, is it possible to increase my hours during the pandemic?

Yes, please contact HEE; approval will be sent to the medical workforce team to action on payroll.

Q: I am a LTFT trainee who has changed their hours as a result of the pandemic. Will I be able to return to my original working percentage during the pandemic?

Yes, if your circumstances change during the current pandemic and you are no longer able to work at a higher working percentage, you will be able to revert to your original working percentage during this time.

Q: I am a LTFT trainee who has changed their hours as a result of the pandemic. Will this result in an automatic calculation of my CCT date?

No trainee will be disadvantaged by any changes that take place during the current pandemic. No automatic recalculation will be made by HEE. Any changes to your CCT will be individualised to your experience.

Q: I have other pay related questions, who can I contact?

Please contact bhrut.medical.workforce@nhs.net with subject as Trainee pay issue

5. Visa issues

Q: My visa is due to expire, should I contact the Home Office/HEE?

Your visa will be automatically extended by one year if it is due to expire before 1 October 2020. Family members with a visa due to expire before 1 October 2020 will also have their visa extended.

The extension is free and you will not have to pay the immigration health surcharge or apply to renew. The Home Office will contact HEE and NHS employers to identify staff eligible for this extension. The Home Office will tell you and your employing bod, if you have received an automatic extension.

Q: I am in a Core training programme and require an extension to my HEE visa to move into a Higher Specialty training programme. How does this affect me?

The Home Office announced on 31st March 2020 that doctors with visa's due to expire before 1st October 2020 will automatically be extended for one year. Therefore, if you are already sponsored by HEE and your visa is due to expire before 1st October 2020, you will automatically be granted a further year leave to remain and will be able to continue in your training programme. If you are currently sponsored by HEE and your visa expires after 1st October 2020 you will need to submit your extension application to the Home Office before your current visa expires. If you do not get your new Biometric Residence Permit (BRP) back prior to your post start date, you will still be able to commence in post, however you will require some additional checks by your employing Trust.

Q: What will happen to my current sponsorship if I am prevented from working due to illness of Coronavirus or cannot travel back to the UK due to restrictions?

Some Trainees may be prevented from attending employment due to illness, the need to serve a period of quarantine or the inability to travel due to travel restrictions caused by coronavirus.

The Home Office have confirmed that Sponsors do not need to withdraw sponsorship if they consider there are exceptional circumstances when:

- an employee is absent from work without pay for four weeks or more (Tier 2)
- a student will be unable to attend for more than 60 days (Tier 4)

Trainees should keep their employers up to date and fully comply with relevant Absence Policies and recorded as Coronavirus for future audit purposes. HEE is not required to report absences related to coronavirus which have been authorised.

Q: I would like to work extra hours to help during the pandemic, but I am limited by my visa restrictions. Is there anything I can do?

Yes, the Home Office announced on the on 31st March 2020 that restrictions on the amount of hours

trainee doctors on visas can work in the NHS have been lifted, allowing doctors to work additional hours should they wish.

More information can be found here: <https://www.gov.uk/government/news/nhs-frontline-workers-visas-extended-so-they-can-focus-on-fighting-coronavirus>

Q: Where can I find further information regarding immigration queries related to Coronavirus?

UK Visas and Immigration (UKVI) have set up a Coronavirus Immigration Helpline, for immigration queries related only to Coronavirus:

Telephone: 0800 678 1767 (Monday to Friday, 9am to 5pm). Calls are free of charge.

Email: CIH@homeoffice.gov.uk

6. Training queries

Q: In my training programme, an exam is required either for progression through training or CCT, however my College has cancelled all exams. What does this mean for me?

For medical specialties, the Academy of Medical Royal Colleges, the Conference of Postgraduate Medical Deans (UK) (COPMeD) and the GMC have released a joint statement detailing how progression and CCT will be managed in light of cancellation of exams due to Covid-19 and where an exam is a curriculum requirement.

This can be found on the GMC website.

Further information on training queries, recruitment and exams can be found on the below link.

<https://www.hee.nhs.uk/coronavirus-information-trainees>