

Dear Colleague

UPDATE ON BMA/MSG AGREEMENT ON 46 HOURS REST FOLLOWING A PERIOD OF NIGHT SHIFTS

PURPOSE

1. This letter advises NHSScotland employers of the agreement reached between NHS Employers, Scottish Government (MSG) and the BMA Scottish Junior Doctors Committee (SJDC) on defining Full Shift night working for the application of a minimum rest period of 46 hours for all Junior Doctor Full Shift rotas.

BACKGROUND

2. As part of the Improving Junior Doctor Working Lives group, agreement was reached between MSG and the BMA's Scottish Junior Doctors Committee, that from 7 August 2019 (Junior Doctor rotation date), all Junior Doctor Full Shift rotas would apply a minimum period of 46 hours rest following Full Shift night working. This is set out in DL (2018) 16 Improving Junior Doctor Working Lives (see Annex A).

3. The minimum rest period of 46 hours off applies following any block of Full Shift night working, including single night shifts, and should commence on conclusion of the final night shift.

4. On occasions where night shifts are being covered through the Medical Bank it is incumbent on Junior Doctors to ensure that, unless by prior agreement with their employers application of the 46 hours above rule does not impact on service/shift commitments associated with their substantive employment.

5. In circumstances where Junior Doctors are asked to provide night shift cover within their own rota associated with their substantive employment it is the responsibility of their employer to ensure that the 46 hours rest requirement is met.

DL (2021) 21
14 July 2021

Addressees

For action

Chief Executives, NHS
Boards and Special Health
Boards and 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
Association, Scotland
Members, British Dental
Association, Scotland

Enquiries to:

Health Workforce,
Leadership and Service
Reform Directorate
Health Workforce
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FULL SHIFT NIGHT WORKING

6. Agreement has been reached on the definition of Full Shift night working applying to the minimum rest period of 46 hours to mean any shift worked that ends at or which falls past 02:00. This will mean that at the conclusion of the final night shift, i.e. at 02:00 or later as defined, in any stretch, which could be the first (where the first night shift is the last worked), a minimum rest period must be given and a Junior Doctor will not be expected to be back at work for a minimum period of 46 hours thereafter.

7. This required minimum rest period from work for Junior Doctors includes attendance at induction or any training which is facilitated in person or online/remotely. The minimum period of rest should also apply during changeover periods for junior doctors.

8. Well-designed Junior Doctor rotas avoid excessive variability of shifts which can increase fatigue, this includes rotas containing single isolated night shifts. Best practice in good rota design to minimise fatigue and provide adequate time for rest between shifts includes:

- Using forward rotating shift patterns (day, late, night)
- Minimum 46 hours rest following full shift night working (as above)
- Avoiding more consecutive shifts than necessary – 7 shifts in a row absolute maximum.
- Ideally, limiting the number of long shifts (10 hours or longer) in a week
- No rota to contain more than four nights in a row. The majority of rotas work a four/three night split as Junior Doctors no longer work seven full night shifts in a row.

Action

9. Boards are asked to note these new agreements, and arrange for the necessary processes to be put in place to enable their implementation.

10. 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 interested parties.

11. 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.

Yours Sincerely,



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Edinburgh EH1 3DG

ANNEX A

DL (2018)16 IMPROVING JUNIOR DOCTOR WORKING LIVES

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 rise 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.