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Cymru (AaGIC)
Health Education and
Improvement Wales (HEIW)

Cymru Wales

Joint statement on annual leave, study leave and public holiday arrangements for doctors and dentists in training during the Covid-19 pandemic

NHS Wales Employers, Health Education and Improvement Wales, BMA Cymru Wales and Welsh Government recognise that staff wellbeing is paramount in successfully responding to the unprecedented challenge of the Covid-19 pandemic. Doctors and dentists in training are likely to have more limited access to annual leave and study leave during the pandemic response period and in clearing the backlog of work afterwards. The following points have been agreed to ensure consistent and fair national arrangements for doctors and dentists in training.

Principles

1. The terms and conditions for medical and dental staff stipulate that the leave year starts at the date of appointment in post. The majority of doctors and dentists in training therefore have leave years which commence in the summer.
2. We all have a shared and increased obligation at this time to keep ourselves and our patients safe. Doctors and dentists in training continuing to work for long periods without taking the necessary rest and recuperation that annual leave provides is in no-one's interests. Annual leave is provided to afford doctors with time away from the workplace and to support and maintain their physical and mental health.
3. During the Covid-19 pandemic, it is therefore even more important that doctors and dentists in training are able to plan, book and take their annual leave. All staff are currently having to plan their annual leave in a very unpredictable and uncertain social environment and given the significant service pressures in many departments since early March it has become increasingly difficult to take annual leave, particularly during the initial period of the Covid-19 outbreak.
4. Whilst there may be less incentive to take annual leave whilst domestic and foreign travel are not possible, all parties wish to emphasise the role annual leave plays in supporting good mental and physical health and wellbeing, regardless of one's ability to travel during it. Untaken annual leave can also create operational difficulties in how we care for our patients where there are significant build-ups of annual leave. Doctors and dentists in training should take a proactive approach to regularly booking and taking their annual leave, as and when operational needs allow and seek to take any of their outstanding annual leave from their

current leave year. This applies equally to any doctors who may be working from home and/or doctors who are shielding.

- 5. The overriding principle is that all leave should be taken as noted above and health boards and trusts should similarly support and facilitate doctors and dentists in training to take the leave outstanding within their leave year.**

- 6. Doctors or dentists in training remaining with the same NHS Wales employer**

If a doctor or dentist in training has been unable to take their full annual leave entitlement as a consequence of Covid-19 and has annual leave outstanding from the 2019/20 leave year then this will be rolled over to the 2020/21 leave year. If leave cannot be taken in the 2020/21 leave year due to Covid-19 or its impact on other services it will similarly be carried forward to the 2021/22 leave year.

If a doctor or dentist in training has outstanding leave in excess of 5 days at the end of the leave year then as an alternative to carrying over all outstanding leave they will also have the option for any amount of the outstanding leave in excess of 5 days to be paid, with 5 or more days annual leave then being carried forward to the next leave year.

The option of carrying forward leave and/or a payment in lieu of some of the leave at the end of each year on the basis described above will be available to the individual up until the end of their own leave year in 2022.

- 7. Doctors or dentists in training changing NHS Wales employer**

Where a doctor or dentist ends employment with one NHS Wales employer and commences employment with a new NHS Wales employer or host employer as a result of their training requirements, the default legal position is that the doctor or dentist will receive a payment in lieu of accrued but untaken leave. However, those party to this agreement recognise that it may not have been reasonably practicable for the doctor or dentist to have taken all their leave as a result of the effects of Covid-19 within their leave year.

As such, in order to mitigate the impact upon rest and relaxation of having been unable to take adequate leave during a rotation due to Covid-19, it has been agreed that the doctor or dentists in training may carry over any outstanding leave from their current NHS Wales employer to their new NHS Wales employer. Where a doctor or dentist in training has more than 5 days outstanding annual leave, the preferred position is that any excess above 5 days is paid by their current NHS Wales employer upon termination, with 5 days carried over. This will help with training and service demands with their new NHS Wales organisation; however, this decision is up to the individual doctor or dentist in training to make based on their own circumstances.

To support the use of annual leave for its intended purpose doctors and dentists in training are encouraged to use this facility to carry forward annual leave from one NHS Wales employer to another. The options above will apply to leave accrued in both the 2019/20 and 2020/21 leave years and be available up until the end of the 2021/22 leave year provided the individual remains in continuous employment within NHS Wales.

- 8. Doctors or dentists in training leaving NHS Wales**

Those leaving employment with NHS Wales should where reasonably practicable seek to take all their annual leave before leaving their NHS Wales employer and it is expected that individual doctors or dentists in training and their current health board or trust will work

together to ensure that any outstanding leave is kept to a minimum. Any remaining leave will be paid automatically upon termination.

9. Payment for all leave carried forward in the circumstances described in paragraphs 6, 7 and 8 will be on the basis of what the individual doctor/dentist would have received had they been at work, calculated based upon their most recent substantive rota.
10. Doctors and dentists in training are contractually entitled to 8 public holidays and 2 statutory days or days in lieu thereof. Doctors and dentists in training are entitled to a day in lieu if they are required to work on a public holiday. Where doctors or dentists in training are rostered to work a 'zero hour' day on a public holiday, they will receive a day in lieu.

Study leave

11. It is recognised that the cancellation of training events due to the Covid-19 pandemic during the 2019/20 study leave year will have an impact on demand for study leave in the following period. In light of this, HEIW, health boards and trusts agree to take a pragmatic approach to study leave requests in the 2020/21 study leave year, providing extra study leave where there is a demonstrable need for further training and professional development as a result of opportunities lost during the pandemic response.
12. In recognition of the likely increased requirements for training and professional development following the Covid-19 pandemic response period, doctors and dentists in training who are staying in a training programme in Wales will have their unused personal study budget from the 2019/20 year rolled forward into the 2020/21 year and added to the personal budget usually made available for that year, thereby ensuring no-loss of training funds support.