A BMA guidance note from Junior Doctors Committee Terms and Conditions & Negotiating Subcommittee.

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BMA Guide to Monitoring for Junior Doctors (Full Shift Rotas)

Your employer must ensure that you, as a junior doctor, can work safely and effectively without excessive workloads that might compromise patient care. To facilitate this, they must ensure that your actual working hours comply with the New Deal and the European Working Time Directive.

The New Deal is your employment contract, (negotiated on your behalf by the BMA) it details working patterns and conditions for doctors in training and sets limits on hours and work intensity.

The hours you work and the unsocial nature of a rota determines your pay banding, and whilst this can be calculated from a template rota, what actually happens and the true intensity of the work can only be established through monitoring (sometimes called diary carding).

What is Monitoring?
Monitoring usually takes place twice a year for two weeks. Effective and accurate monitoring of your hours and working patterns underpins any attempts to identify areas of concern, establish good working practices, and implement solutions. Monitoring is compulsory, and any falsification of hours monitoring (for the benefit of either you or your employer) is fraud.

You are required to take part in monitoring even if you are on annual leave or study leave. It is important to note that in order for a monitoring exercise to be valid 75% of doctors need to fully participate and 75% of duty periods worked need to be monitored.

When completing your monitoring diary cards remember that compulsory teaching should be recorded as work and not rest or part of a natural break (even if you can eat during the teaching).

Some hospitals/employers have agreed policies that before a junior doctor can work late they are required to seek the approval of their consultant. Often, the consultant is not around to provide such approval and the requirement for such a signature can put pressure on you to not record early starts and late finishes and undermines the monitoring exercise. Working late is often unavoidable and a consultant is not always around to provide such approval. In such circumstances, you are still required to record the late finish.

No one should ask or be applying pressure on junior doctors to change their normal working pattern during a monitoring period, and to avoid any unintentional pressure being put on junior doctors it should not be a requirement that diary cards (or similar forms) need to be signed by a consultant in order to be validated.

You may be asked to provide reasons for working beyond your hours or being unable to take a natural break. Although you are not obliged to state reasons for these occurrences it can help the analysis of your diary card if this information is provided, although it is not a requirement of monitoring.
What is ‘rest’ and what is a ‘natural break’?

A natural break is at least 30 minutes continuous break after approximately every 4 hours on duty, without an interruption requiring you to do something.

In Scotland only, ‘approximately’ has been taken to mean that a ‘junior doctor should not work more than 5 hours without a break’: any work after that up to 9 hours attracts one natural break, work beyond 9 hours up to 13 hours requires a second natural break and between 13 and 14 hours work necessitates a third natural break (working over 14 hours continuously makes the rota non-compliant with your contract). In the rest of the UK ‘approximately’ has not been defined.

A single one-hour break cannot count as two natural breaks and two 15-minute breaks cannot count as one natural break. Being bleeped during a natural break is acceptable unless the doctor has to act on the call, or the bleeping is repeated and disruptive. Under your contract (the New Deal), natural breaks count as work, and should not be recorded as rest.

Rest is different from natural breaks, you usually do not get ‘rest’ on a full-shift rota, and this is normal practice (as you get natural breaks instead). ‘Rest’ is a term that applies to on-call and partial shift rotas. On a full shift rota, if you were not working, not in a meeting and not in teaching then you may fill in that time as ‘rest’. https://bma.org.uk/practical-support-at-work/contracts/juniors-contracts/monitoring-guide/what-is-rest-and-natural-break

Completing your monitoring

Monitoring originally required junior doctors to complete paper diary cards that were manually analysed. Online monitoring is now becoming more common and we will first tell you how to use the two systems used by most employers: DRS and Zircadian.

It is important to fill your diary in as contemporaneously as possible, as it can be difficult to remember how many hours you were at work for and whether you got all of your breaks if you try to fill in all 14 days after the monitoring period has ended. We would recommend that if you cannot get ready access to a computer to fill in your online monitoring on the day that you keep a note of the hours your worked (and any breaks) on paper so that you can enter them accurately at a later date.

Monitoring using the Doctors Rostering System (DRS)

Before the monitoring period begins you should receive an email from your Human Resources department giving you your login details and the address for the DRS website (http://www.drsuser.nhs.uk).
Completing the DRS diary card:
1. Log in and on the diary card select the correct day type for the shift as per your rota.
2. Amend the start and end time if they differ from the actual hours you worked.
3. Enter any time spent as rest. Remember that natural breaks and teaching are classed as work, not rest. See earlier in this guide for a fuller definition of rest.
4. Leave the Res? box ticked if you were onsite/resident for the shift.
5. The natural break (nb) box is automatically ticked as the software assumes that you achieved all of your natural breaks for the shift. Untick this box if you did not get adequate natural breaks (30 continuous minutes after approximately 4 hours continuous work). If you were unable to take all of your natural breaks in a shift then untick the box.
6. Click save after completing the entry for each day.
7. If you had to work extra hours or were unable to get your natural breaks then it would be helpful if you would provide a reason in the notes section. Remember to click save notes before closing the window.
8. If you have swapped a shift then it would help facilitate the monitoring analysis if you state who you swapped with (make sure that you swap any zero hour/rest days that come with any exchanged on-call shifts).

All hours worked during monitoring should be recorded if the doctor is not able to leave on time due to care of a patient/compulsory teaching. If you choose to remain at work, perhaps to gain extra training, then this time should not be recorded on the monitoring diary.

Monitoring using software by Zircadian
Before the monitoring period begins you should receive an email from your HR department giving you your login details and the address for the Zircadian monitoring website (http://www.juniordrportal.co.uk/) where you will enter details of your work.

Completing the Zircadian diary card:
1. **Green blocks indicate work**: Your day is represented as a series of squares representing 15 minutes. Uncoloured blocks do not count towards your hours worked and are counted as rest (compulsory teaching counts as work and coloured green, full shift rotas often do not contain rest. See earlier in this guide for a fuller definition of rest).

2. **Recording Natural Breaks**: The natural break box is automatically ticked below the work episode as the software assumes that you achieved all of your natural breaks for the shift. Untick this box if you did not get adequate natural breaks (30 continuous minutes after approximately 4 hours continuous work). If you were unable to take all of your natural breaks in a shift then untick the box.
You will need to record the periods in which you took your natural breaks using the work activity labelled ‘natural breaks’. Where this is not available colour the boxes as green to record the time as ‘work’. Only additional rest taken over and above natural breaks should be uncoloured.

3. Start and Finish Times: If you need to change your hours of work beyond that shown on your rota use the drop-down menu to the right of the diary squares (click to shade it green if you worked during that time). Whenever you enter a start or finish time that extends your shift you will be prompted to enter a reason. We would advise you to enter a reason to justify the extra time spent at work (such as a ward round starting early/finishing late). All hours worked during monitoring should be recorded if the doctor is not able to leave on time due to care of a patient/compulsory teaching. If you choose to remain at work, perhaps to gain extra training, then this time should not be recorded on the monitoring diary.

Monitoring using Paper Diary Cards
Some employers still require you to fill out paper diary cards. These can be in any format, but the BMA does have a suggested template that can be used.

Ensure that you have entered all the time that you spent at work onto the diary card.

Where there is a space left for notes (to explain, for example why a shift finished late) it is helpful to make a note accordingly.

If a consultant signature is called for and no consultant is available to sign the form (because of the lateness of the hour for example) then write a note as such.

When the diary card exercise is over photocopy your forms and keep them as a record in case of any dispute later.

FAQs
Do I have to fill out entries for days I am on annual leave/study leave/sick leave/rest or zero hours days?
Yes, it is really important that junior doctors fill in entries for each day of the monitoring period. This includes days when you are not on site. For monitoring exercises to be valid there needs to be a total doctor return rate of 75% and a duty return rate of 75% for all shifts worked. It is very easy to miss these targets and when this happens the whole monitoring period has to be repeated.

When you are on annual leave, study leave, sick leave or a rest day simply select the appropriate ‘day type’ from the list on the monitoring diary.
Do I have to enter a reason for working beyond my hours/being unable to take a break?

Neither your contract (the National Terms and Conditions), nor guidance on monitoring from the Department of Health or the devolved administrations states that you are obliged to provide reasons for working additional hours or being unable to take a break – only that you record these truthfully.

If you provide reasons for not being able to keep to the template rota it often helps analysis of your diary card entries and can help facilitate a re-design of troublesome rotas. Information that would be helpful for the employer to know includes the timing of ward rounds that mean you need to come in early or stay late, or a high intensity/high urgency of work meaning breaks couldn’t be taken.

Does a consultant have to sign my monitoring diary?

Neither your contract (the National Terms of Conditions), nor guidance on monitoring from the Department of Health or the devolved administrations states that diary cards should or must be signed by a consultant in order to be validated. (NB Consultant signatures are still required in Northern Ireland.)

In Scotland, obtaining a consultant signature can be used as part of an agreed (with the LNC) local monitoring procedure. However, the absence of a consultant signature does not entitle the employer to discount, or invalidate, the form. If used, the consultant sign-off for breaches should be a requirement at all times, and not just during monitoring.

No one should ask or be applying pressure on junior doctors to change their normal working pattern during a monitoring period, and to avoid any unintentional pressure being applied it should not be a requirement for diary cards (or similar forms) to be signed by a consultant.

If a consultant refuses or is unavailable to sign the form, then you should submit the form unsigned with the correct hours on and an explanation as to why the form is unsigned. This will make it easier to challenge the monitoring results should this prove necessary, and will help to ensure that the trust cannot simply ignore forms as unsigned.

If you are pressurised to falsify your hours, or you feel that your trust is not following the rules set out in this paper, contact a BMA advisor by calling 0300 123 123 3 or emailing support@bma.org.uk.
How do I find out the results of the monitoring?
The results of the monitoring should be provided to you within 15 working days of completion. This summary report should be easy to understand and give information about natural breaks and hours and an assessment against New Deal requirements and pay banding criteria.

The purpose of monitoring is not to assess whether a rota is compliant in principle (on paper), but rather whether it is compliant in practice. Monitoring entries should be an accurate representation of your work and you should not be subject to any pressure to alter this in any way. If you are put under pressure to alter your monitoring results, this could be construed as bullying and/or harassment.

What do I do with the results of the monitoring?
Well designed rotas should mean that the template rota is representative of the day-to-day working practices of the doctors on it.

Where the monitoring outcome banding and the template banding are the same then there is nothing that needs to be done and the rota will continue to be monitored every six months (this can be yearly where all parties agree the rota has consistently and clearly been shown to be New Deal compliant and the pay banding is clear and unlikely to change).

If there is a discrepancy between the banding shown by monitoring and that of the template rota then you should either contact HR to discuss this (where you feel confident to raise any issues), or contact a BMA adviser by calling 0300 123 123 3 or email support@bma.org.uk for advice. Where an agreement over the banding of a rota cannot be reached then appeal mechanisms exist to resolve this.

The BMA Junior Doctors Committee hopes that this guide proves useful and if you have any questions or issues regarding completing monitoring, obtaining the results, or actioning the outcome then contact a BMA adviser by calling 0300 123 1233 (lines open 08:30 – 18:00 Monday to Friday excluding UK Bank Holidays. Calls cost the same as geographic numbers starting 01 or 02) or by emailing support@bma.org.uk.