

March 2018

Clarifying your position after the Bawa-Garba Case

Dear Academic Trainee

As you are no doubt aware, the case of Dr Bawa-Garba and the profession's reaction to it have highlighted a range of clinical governance issues for trainees including concerns about workload planning, supervision, how best to report concerns and whistleblowing. We would like to express our concern and understanding for the bereaved family who have lost a child.

The issues of concern have been considered and highlighted by the BMA and its Junior Doctors Committee, and MASC shares the concerns expressed: <https://www.bma.org.uk/connecting-doctors/b/the-bma-blog/posts/bawa-garba-case-meeting-your-concerns>. These issues can be compounded for university-employed academic trainees who are not always formally covered by the protections in either the 2002 or 2016 junior doctor contracts.

The BMA's Medical Academic Staff Committee has long believed in formalising and regularising the position of university-employed academic trainees when they are working in the NHS. We also believe that there are steps that university-employed academic trainees can take to clarify their position in the NHS, for example, through a conversation with the relevant person in the organisation's HR department.

The issues to cover might be to:

- Check what work you do is covered by NHS indemnity and whether you need to take out any further indemnity.
- Ask your NHS employer who your clinical and educational supervisors are – these could be a named person or a post-holder.
- Ask your NHS employer to indicate how you might report any concerns about the quality of the service, workload and quality of education.
- Ensure that you are included in any inductions offered to your NHS colleagues.
- Seek to be part of the work scheduling and exception reporting process for your group of trainees. If this is not possible ask your employer how your work will be agreed in advance and any deviations from expectations reported to the employer.

You should ask for a note of the meeting with the HR department and of any other relevant meeting.

At the start of any post make sure that you have your contracts checked by the BMA including your honorary contract with the NHS. Any concerns about your position (including, in particular, pressure to fill rota gaps, especially if it is at the expense of your research/academic time) or failure to resolve HR issues with your supervisor or the NHS organisation should be reported to BMA First Point of Contact on 0300 123 1233.

Further guidance on medical academic contracts including on what to do when moving from an NHS to a university contract can be found on this page of the BMA website:

<https://www.bma.org.uk/advice/employment/contracts/academics-contracts>

We hope that all this is helpful. If you have any feedback on this letter or from your experiences in the NHS do contact us at info.masc@bma.org.uk

Yours sincerely

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