

PROTOCOL FOR THE RE_BANDING OF TRAINING GRADE POSTS

Issue

1. There has been some confusion and variable quality of process during the exercise to bring PRHO posts into compliance for the 1st August 2001. As a result, the national issue of further joint guidance and documentation is felt necessary.

Action

2. Regional Action Teams must:

Ensure that in all instances where re-banding of posts is carried out, the process as laid out in the attached proforma document is followed in all cases, and recorded using the proforma a copy of which will be retained by the Regional Action Team together with supporting documentation.

Background

3. The procedure for re-banding existing posts is laid out in Advance Letter AL(MD)2001/01, in Terms and Conditions of Service, and added to by Steve Barnett's letter to the service of 12 March 2001. The Department and the BMA agree that a mechanism which re-bands posts using in-post monitoring, rather than assessment of compliance on paper or using other theoretical means, is the proper way of proceeding in the vast majority of cases. Such re-banding is most effectively carried out mid-post in, for example, May or November, to allow rotas to bed in and to allow 'fine tuning' after monitoring. Both sides accept, however, that there will be a few occasions, where significant changes to rotas or staffing levels make it impractical to fully implement changes to working practices before new staff come into post, where it will be necessary to assess the likely banding of a rota in advance of its implementation, to allow an employer to offer posts to new employees on a realistic basis.
4. Such occasions will be rare. It cannot be taken for granted, for example, that full shifts will always be compliant as natural breaks may not be achieved or shifts may over-run. Similarly, the rest requirements of other types of rota pattern cannot be assumed and it will therefore not be appropriate to assume that particular working patterns can be offered at a predicted band. However where for example service reconfiguration or merger means that it is not possible to implement and monitor a full rota before its proposed date of introduction, the facility is needed to allow an employer to offer a post at an expected band. This must be dependant upon the employer demonstrating to the satisfaction of the Action Team that it was not possible to implement a full rota in advance, although the employer should where possible make arrangements to test in advance those parts of the new arrangements most likely to be non-compliant. It also places a responsibility on the employer to monitor and confirm the banding within a fixed timescale following the introduction of the new working arrangements.
5. The proforma attached covers the normal re-banding process, with the facility to allow for the provisional re-banding of a post in advance of practical monitoring.
6. As with all instances of backdating pay under the banding system, repayment where a lower band that has been paid is subsequently found to be inappropriate must be paid from when salaries at the provisional lower band were first paid.

NOTES

1. The Proforma should be used both as a checklist to ensure that all the necessary stages of the re-banding process have been adhered to, and as a record of the process for payroll purposes.
2. Column headings are to be interpreted as:
 - Stage: a step in the process which must be completed
 - Evidence Required: documentation/data/input that must be available in order to facilitate a decision at the relevant Stage
 - Documentation: the formal confirmation that the Stage has been followed through to successful completion.
3. In the Proforma, references to the Action Team should be taken to refer to the Regional Improving Junior Doctors Working Lives Action Team or any successor body.
4. Where a decision from the Action Team is indicated, such a decision must be agreed by at a minimum, both a junior doctor employee and a BMA junior doctor representative, and will be co-ordinated by an officer acting with the full authority of, and nominated by, the Action Team Chair.
5. The order of the stages in the Proforma does not follow the order stated in AL(MD)1/01; this is to follow a logical process. It would for example be appropriate in most cases for the Action Team to discuss and agree revised arrangements with juniors and their employers in advance of seeking educational approval.
6. In recognition of the range of different monitoring processes used in the Regions and not wishing either to duplicate current practices or to create an unnecessary burden on Trusts we do not propose to be prescriptive in the way supporting monitoring data is to be presented. However:
 - evidence of monitoring must conform to the requirements of the documentation issued as guidance accompanying HSC 2000/031, and
 - monitoring and/or analysis data produced by some software packages such as ND2000 will be acceptable for the purpose of this exercise – further guidance will be issued in due course.
7. Where provisional banding is authorised monitoring should take place within six weeks of the implementation of new working arrangements, and all necessary actions taken to ensure that the results of the monitoring are reflected in banding and salary.

| APPROVAL TO CHANGE BAND | | | |
|---|-------------|--------------------------|------------------------|
| Trust: | | Hospital: | |
| Specialty(ies): | | | |
| Numbers of Doctors in Working Arrangement by Grade | | | |
| PRHO: | SHO: | SpR: | Other: |
| Working Pattern: | | | |
| Current Banding: | | Proposed Banding: | Effective Date: |

| Stage | Evidence Required | Documentation | Confirmed Y/N |
|--|---|---|----------------------|
| 1a. Consult post-holders on proposed changes and obtain agreement of the majority participating in the working arrangements. | Approval of majority of current/incoming post-holders | Template signed by Trust junior doctor representative confirming agreement of majority of current/incoming post-holders | |
| 1b. Submit details of the new working arrangements to the Action Team for information and invited comment. | Full details of proposed working arrangements and/or rota summary (eg from ND2000 software) | Letter signed by Action Team Chair or delegated authority confirming theoretical compliance of working arrangements | |
| 1c. Obtain agreement from Clinical Tutor for education purposes. | Full details of proposed working arrangements Comments of Action Team | Letter signed by Dean or delegated authority confirming educational acceptability of working arrangements | |

If exceptionally and because of the impracticality of full implementation of new working arrangements a Trust wishes to offer future posts at an expected banding in advance of actual monitoring, approval must be sought from the Regional Action Team (or its equivalent) in advance of making any such offer. Any offer made in these circumstances will be strictly provisional, and must be confirmed by monitoring following the implementation of new working arrangements.

| Stage | Evidence Required | Verification | Confirmed Y/N |
|---|---|--|----------------------|
| 2. Submit request for provisional approval of working arrangements to Action Team | Signed letter from Trust giving reasons for inability to fully monitor before rebanding. Evidence of full or partial testing/monitoring of proposed arrangements | Letter signed by Action Team Chair or delegated authority authorising an offer of provisional banding. | |
| Current Banding: | Provisional New Banding: | Implementation Date: | |
| Action Team Signatory | | Date: | |

| Stage | Evidence Required | Verification | Confirmed Y/N |
|--|---|------------------------|----------------------|
| 3. Monitoring of working pattern and confirmation of banding | Completed monitoring returns from 75% of doctors on rota over full 2 week period Summary of monitoring results | This signed template | |
| Previous banding: | Verified New Banding: | Effective Date: | |

Trust Signatory _____ Date: _____
(Designation)

Rota Signatory _____ Date: _____
(Junior Doctor LNC representative)

Action Team Signatory _____ Date: _____
(Designation)