

Ref: FOI/CAD/ID 3487

**Please reply to:**  
FOI Administrator  
Trust Management  
Service Centre  
Maidstone Hospital  
Hermitage Lane  
Maidstone  
Kent  
ME16 9QQ  
Email: mtw-tr.foiadmin@nhs.net

06 September 2016

**Freedom of Information Act 2000**

I am writing in response to your request for information made under the Freedom of Information Act 2000 in relation to Junior Doctor's contract.

*Please provide all emails sent/received or cc:d in by your Director (or Head) of Human Resources concerning the new Junior Doctor's contract, in the last 2 months up to 4/8/16. Please make sure to include anything on the contract's imposition, including any consequences for not implementing it. Please provide attachments.*

Please see the attached documents:

**(MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST)**

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**From:** Daniel Mortimer <danielmortimer@nhsemployers.org>  
**Sent:** 28 June 2016 11:01  
**To:** Hayden Richard (MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST)  
**Subject:** Details of the guardian of safe working hours event

Dear colleague,

On the 26 July NHS Employers are hosting an event for the newly appointed guardians of safe working hours.

Although we currently have about 80 delegates booked on to this event, we are aware that a number of trusts are yet to appoint a guardian. If this applies to you, I just wanted to let you know that you have a couple of options to ensure your organisation is still represented:

- If you are confident that you will have a guardian in place by the 26 July you can reserve a place and provide us with the guardian details once known.
- If a guardian will definitely not be appointed by this date, you can send a nominated representative from your organisation - in which case, please register the name of the nominated representative as soon as possible. Your representative will be expected to feedback key messages to the guardian once they have been appointed.

**Event details:**

Date: 26 July 2016  
Timings: 09.30 – 4pm  
Venue: Grange Tower Bridge Hotel, London  
Book a place via this link.

Draft Agenda (a full agenda will be emailed to delegates before the event).

- Registration and coffee (9.30-10am)
- Opening address
- Role of the guardian (practical session)
- Group activity – what does it mean to be a guardian
- Software providers update (Allocate, Skills for Health)
- Lunch
- Panel discussion and Q&A with representatives from a number of organisation including NHS England, HEE, CQC and NHS Improvement
- Group activity – establishing local networks and networking opportunities
- Round-up and close (4pm)

Please share the details of this event with your guardians. It is a great opportunity for them to get a clearer understanding of their role and to network with fellow guardians.

If you have any questions please do not hesitate to contact me at [danielmortimer@nhsemployers.org](mailto:danielmortimer@nhsemployers.org)

Kind regards

**(MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST)**

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**From:** Daniel Mortimer <danielmortimer@nhsemployers.org>  
**Sent:** 05 July 2016 13:14  
**To:** Hayden Richard (MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST)  
**Subject:** Junior doctors' reject proposed new contract

Dear colleague,

I am very disappointed to have to tell you that the BMA has just announced that their members have rejected the proposed new contract for junior doctors.

Despite the best efforts of ACAS, NHS Employers and the BMA junior doctors' committee, 58 per cent of its members voted against the offer agreed at ACAS compared to 42 per cent voting to accept with a turnout of 68 per cent in their referendum.

This is a hugely regrettable outcome as I firmly believe the proposed contract is fairer and safer for both the doctors in training and their patients. Your desire has always been to reach a negotiated agreement on the new contract, and we have sought to achieve this.

What happens next is not yet clear. I will be seeking urgent talks with the BMA and the government to ensure that patients will not be made to suffer any further impact over the rejection of a contract that has been agreed by employers, agreed by the government and endorsed by the BMA JDC.

As soon as more is known I will be in touch with an update.

In the meantime, if you have any questions please do not hesitate to contact me at [danielmortimer@nhsemployers.org](mailto:danielmortimer@nhsemployers.org)

Kind regards

Daniel Mortimer  
Chief Executive, NHS Employers

## (MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST)

**From:** Daniel Mortimer <danielmortimer@nhsemployers.org>  
**Sent:** 06 July 2016 17:28  
**To:** Hayden Richard (MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST)  
**Subject:** Government announces its intention to introduce the 2016 junior doctors' contract

Dear colleague,

Following yesterday's rejection of the new junior doctors' contract by the members of the British Medical Association, the Secretary of State has just made a statement to the House of Commons outlining his intention to introduce the new contract in August 2016, with doctors transitioning onto the new terms on a phased basis from October 2016. A timeline setting out this implementation plan will be published on our website shortly.

I know that this decision has not been taken lightly, as we would all have preferred to be implementing a contract that was fully supported by doctors in training. This follows years of negotiations and significant and fair compromises, which led to both the March and the May 2016 offers. As this has now been rejected by junior doctors, we have exhausted all avenues of negotiation.

We will now be concentrating our efforts on helping you to ensure that the new contract is introduced as efficiently as possible, while being sympathetic to the frustrations felt by a valued section of your workforce.

### **Contracts**

The final model contract and other relevant documentation will be made available on our website shortly. In the meantime, offers can and should be made for the first placement only (eg for F1 doctors, this would be a four-month offer only, from August to December). We have created a [template offer letter](#) to be used for this purpose.

We recommend that all employers, including lead employers, customise this template for your own purposes, inserting the relevant details about employment checks etc, and use this to make offers of employment to cover doctors up until their scheduled transition date.

### **Guardian event**

You should also continue to appoint your guardians of safe working hours and invite them to attend the event on 26 July.

Date: 26 July 2016  
Timings: 09.30 – 4pm  
Venue: [Grange Tower Bridge Hotel, London](#)  
Book a place [via this link](#).

### **Next steps**

To support you in explaining the current position to your board and your colleagues, we will be [publishing new resources](#), including updated FAQs, the final version of the terms and conditions of service and other explanatory documents in the next few days.

We will also be hosting a series of webinars for HRDs, MDs and medical staffing colleagues in the coming weeks, further details will be [available on our website shortly](#).

**[REDACTED] (MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST)**

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**From:** [REDACTED]  
**Sent:** 08 July 2016 10:33  
**To:** [REDACTED] (MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST)  
**Cc:** Hayden Richard (MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST); [REDACTED] (MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST); [REDACTED] (MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST); [REDACTED] (MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST); [REDACTED]  
**Subject:** Junior doctors for appointment panel of guardian role

Dear [REDACTED] and Richard,

[REDACTED] asked me to let you know the names of the junior doctors who have agreed to be on the appointment panel.

As well as myself, there is [REDACTED] and [REDACTED]

I have copied [REDACTED] and [REDACTED] the other BMA junior doctor representatives into this email, as they are going to see if anyone else is able to help. Equally, if I get any more names, I will keep you updated.

The two who will actually be on the panel will be decided depending on who is available, once when know when the interviews are.

Please keep us updated as to when the interviews will be.

Many thanks,

[REDACTED]  
[REDACTED]  
[REDACTED]

**[REDACTED] (MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST)**

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**From:** [REDACTED] (MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST)  
**Sent:** 08 July 2016 14:02  
**To:** [REDACTED]  
**Cc:** Hayden Richard (MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST); [REDACTED]  
[REDACTED] (MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST); [REDACTED]  
(MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST); [REDACTED]  
**Subject:** RE: Junior doctors for appointment panel of guardian role

Dear [REDACTED]

Thank you for your email. I have identified 2 potential dates and times for this appointment panel as follows:

Wednesday 20th July 2016 08.30am-10.00am at Tunbridge Wells Hospital Friday 22nd July 1.30pm-3pm at Maidstone Hospital.

We require 2 Junior Doctors nominated by the LNC to attend, please could you confirm the preferred date and which Junior Doctors will be in attendance.

Please could you let me know by Tuesday 12th July so that I can provide candidates with at least a week's notice.

Kind Regards

[REDACTED]

[REDACTED]  
[REDACTED]

HR Office, Ground Floor, Maidstone Hospital, Hermitage Lane, Maidstone, Kent ME16 9QQ

Ext: [REDACTED]  
Tel: [REDACTED]  
Mob: [REDACTED]

Email: [REDACTED]

[REDACTED]

Please note that the JULY Payroll deadline is 10am 3RD JULY 2016

Please ensure hard copies of payroll claims, change and leaver forms are with the Recruitment Team at Maidstone Hospital; E-expense claims are authorised for payment; and for those areas using E-rostering, shifts are checked and verified before this non-negotiable deadline.

If your email is a request for information under the Freedom of Information Act 2000, please forward it to FOI admin who will action your request. Email: [mtw-tr.foiadmin@nhs.net](mailto:mtw-tr.foiadmin@nhs.net) or write to FOI admin, Trust Management, Maidstone and Tunbridge Wells NHS Trust, Maidstone Hospital, Hermitage Lane, Maidstone, Kent, ME16 9QQ.

**[REDACTED] (MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST)**

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**From:** Hayden Richard (MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST)  
**Sent:** 22 July 2016 17:14  
**To:** [REDACTED] (MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST); SIGSTON Paul (MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST)  
**Cc:** [REDACTED] (MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST)  
**Subject:** RE: Junior Doctor Contracts

Hi [REDACTED]

I am in agreement but will await Paul's response as well.

Best wishes,  
Richard

Richard Hayden  
Director of Workforce  
Maidstone and Tunbridge Wells NHS Trust

Tel: 01622 227599 | Ext: 27599  
Email: [richard.hayden@nhs.net](mailto:richard.hayden@nhs.net)  
[REDACTED]

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**From:** [REDACTED] (MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST)  
**Sent:** 22 July 2016 16:27  
**To:** Hayden Richard (MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST); SIGSTON Paul (MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST)  
**Cc:** [REDACTED] (MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST)  
**Subject:** Junior Doctor Contracts

Dear Richard and Paul

We are proposing to issue a 4 month Contract on current terms to F1's and an 8 Month contract to all F2's, Core Trainee's and GP Trainees from August 2016 in line with the national implementation schedule for the new 2016 contract

Can you confirm you are in agreement with this?

Kind Regards

[REDACTED]  
[REDACTED]  
[REDACTED]

HR Office, Ground Floor, Maidstone Hospital, Hermitage Lane, Maidstone, Kent ME16 9QQ

Ext: [REDACTED]  
Tel: [REDACTED]  
Mob: [REDACTED]

Email: [REDACTED]  
[REDACTED]

**Resources (MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST)**

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**From:** Daniel Mortimer <danielmortimer@nhsemployers.org>  
**Sent:** 25 July 2016 12:43  
**To:** Hayden Richard (MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST)  
**Subject:** New junior doctors' contract resources

Dear colleague,

On 6 July the Secretary of State confirmed the introduction of the junior doctors' contract agreed with the BMA during a final round of talks with ACAS in May 2016. He also made clear that the range of additional actions agreed in relation to the education and deployment of doctors in training would also be honoured by the government, Health Education England and the General Medical Council. The contractual details of this agreement were published on 18 May 2016.

We have published today (25 July) the implementation guidance that sets out the steps employers should follow when introducing the new 2016 terms and conditions of service (TCS) for NHS doctors and dentists in training in England. This includes the timetable to be followed in introducing the contract.

This guidance should be read in conjunction with the pay and conditions circular which we originally published at the start of this month. This pay and conditions circular has been amended to clarify the nature of the introduction of the new terms and conditions of service, and to correct some references to paragraph numbers within the new TCS. This version now replaces the original circular issued on 6 July 2016.

We recently hosted webinars for HR and medical directors and medical staffing leads to discuss the introduction of the new contract. To assist you with any local engagement activity, please find a link to the powerpoint slide deck used on these webinars. I hope that you find this useful when speaking to your boards, colleagues and doctors in training.

We are unable to completely predict what the response of the BMA will be to the introduction of the contract. I can however be clear that its implementation will be seen by them as a real test of our collective commitment. The independence and effectiveness of the guardian of safe working hours role will in particular be central to any assessment by junior doctors and I ask you to ensure that your boards do everything they can to properly establish the role.

Tomorrow I will be hosting the guardian of safe working hours event. I am pleased to confirm that we currently have 220 people booked to attend. If your guardian, or nominated representative, is yet to book their place please can you ask them to do this as a matter of urgency.

**Event details:**

Date: 26 July 2016  
Timings: 09.30 – 4pm  
Venue: Grange Tower Bridge Hotel, London  
Book a place via [this link](#).

Following the event, I anticipate that I will be able to share with you the issues raised by the guardians and their teams. This information will help inform your boards regarding the needs and aspirations of this hugely important role.

I hope that you have found this update useful, if you have any questions please do not hesitate to contact me at [danielmortimer@nhsemployers.org](mailto:danielmortimer@nhsemployers.org)

Kind regards



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**(MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST)**

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**From:** Daniel Mortimer <danielmortimer@nhsemployers.org>  
**Sent:** 29 July 2016 16:16  
**To:** Hayden Richard (MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST)  
**Subject:** Guardian of safe working hours

**Sent to Chief Executives and copied to HRDs and MDs for information**

Dear Colleague

I was pleased to welcome 210 people to the first guardian of safe working hours event, held on 26th July. The newly appointed guardians I met and who spoke at the event were committed to the welfare of their trainee colleagues, but also clear-sighted about the challenges they face.

The summit involved briefings, group discussions and a panel Q&A involving colleagues from NHS Improvement (NHSI), Health Education England (HEE), Care Quality Commission (CQC) and the BMA Junior Doctors Committee. Throughout these discussions the centrality of the role and independence of the guardian in building the confidence of junior doctors was repeatedly emphasised.

The last 12 months of dispute, anger and charged media exchanges has been far from welcome for all of us and I know particularly the impact has had and is continuing to have in your organisations, particularly given the tremendous pressures your teams are facing. There are many factors at play in how junior doctors feel and it is too simplistic to suggest that this is a dispute between a trade union and a political office holder. The settlements we agreed with the BMA in November 2015, February and May 2016 have resulted in action to address concerns regarding education, deployment, whistleblowing, career progression, seven day service policy, and variable gender progression. There remains much else that needs to be done both nationally and locally to implement the new arrangements well and in a manner which commands the confidence of trainee doctors and I know that colleagues in your local medical staffing and HR teams are working hard to achieve this. The role of the guardian is important, but it became clear during our discussions at the workshop so is the need to ensure that all leaders in organisations identify and listen to the concerns of their trainee doctor colleagues.

Several other themes emerged during the day which I have undertaken to the guardians to share with you as accountable officers:

**1. Support for the role of the guardian**

We were always resistant in negotiations to setting a tariff for the guardian role, recognising that the role required not just time in job plans but also proper administrative systems. I still believe, and I am sure that you do to - despite continued concerns raised by the BMA with the Secretary of State - that these arrangements should be a matter for local judgment and decision. It was clear though that there was enormous variation between organisations in the time made available to consultants undertaking the guardian role. I would ask you to agree with your medical and workforce directors that the allocation both of time in job plans and of administrative support to the post holder is regularly reviewed, particularly during the period to October 2017 while the new contract is being implemented. The most typical arrangement appears to be to use the relevant time allocation for a departmental head of service or clinical director as a benchmark for the role, particularly during the first year of implementation. All guardians will include the issue of time allocation and support for their role in their first quarterly report to your board of directors, which will be presented following the first doctors moving on to the contract in October.

**2. Supporting networks**

Following the discussions, we have agreed to work with colleagues at NHSI and HEE to establish regional networks for guardians, with close links to the equivalent networks for directors of medical education. In addition we will establish online networks for guardians to assist peer support and problem solving, and will host another national event around Easter 2017. Whilst the 26 July 2016 event necessarily

If there are any questions about the role of the guardian, or the implementation of the contract, please do not hesitate to contact me via [danielmortimer@nhsemployers.org](mailto:danielmortimer@nhsemployers.org)

Kind regards

Daniel Mortimer  
Chief Executive, NHS Employers

**Rose Jones (MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST)**

**From:** Hayden Richard (MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST)  
**Sent:** 01 August 2016 11:32  
**To:** Jones Tony (MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST)  
**Subject:** RE: Guardian of safe working hours

Morning Tony

We've successfully appointed and allocated 2PA's for the role. [REDACTED] attended the event last Tuesday

Best wishes,  
Richard

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**From:** Jones Tony (MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST)  
**Sent:** 01 August 2016 10:27  
**To:** Hayden Richard (MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST)  
**Subject:** FW: Guardian of safe working hours

Richard,  
Please remind me where we got to on this.  
Tony.

**From:** Daniel Mortimer [mailto:danielmortimer@nhsemployers.org]  
**Sent:** 29 July 2016 16:43  
**To:** Jones Tony (MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST)  
**Subject:** Guardian of safe working hours

**Sent to Chief Executives and copied to HRDs and MDs for information**

Dear Colleague

I was pleased to welcome 210 people to the first guardian of safe working hours event, held on 26th July. The newly appointed guardians I met and who spoke at the event were committed to the welfare of their trainee colleagues, but also clear-sighted about the challenges they face.

The summit involved briefings, group discussions and a panel Q&A involving colleagues from NHS Improvement (NHSI), Health Education England (HEE), Care Quality Commission (CQC) and the BMA Junior Doctors Committee. Throughout these discussions the centrality of the role and independence of the guardian in building the confidence of junior doctors was repeatedly emphasised.

The last 12 months of dispute, anger and charged media exchanges has been far from welcome for all of us and I know particularly the impact has had and is continuing to have in your organisations, particularly given the tremendous pressures your teams are facing. There are many factors at play in how junior doctors feel and it is too simplistic to suggest that this is a dispute between a trade union and a political office holder. The settlements we agreed with the BMA in November 2015, February and May 2016 have resulted in action to address concerns regarding education, deployment, whistleblowing, career progression, seven day service policy, and variable gender progression. There remains much else that needs to be done both nationally and locally to implement the new arrangements well and in a manner which commands the confidence of trainee doctors and I know that colleagues in your local medical staffing and HR teams are working hard to achieve this. The role of the guardian is important, but it became clear during our discussions at the workshop so is the need to ensure that all leaders in organisations identify and listen to the concerns of their trainee doctor colleagues.

those designated as clinical or educational supervisors in particular. We will work with colleagues from HEE, NACT and NAMEM to develop an information package for supervisors, which we will of course share with guardians as well as with your medical and workforce directors. You may also wish to find time for your clinical directors (or equivalent) to be briefed on the requirements of the new contract. Most organisations have in place electronic rostering systems which are being updated to reflect the requirements of the new contract, including exception reporting. Nonetheless, it is important that those using the systems are trained in their use and understand the importance of swift responses to any concerns raised.

In conclusion, the event reinforced the importance of a committed and independent guardian of safe working hours, working with the confidence and support of junior doctors to ensure that their concerns are promptly resolved. It confirmed also the value to you and your Board of receiving clear and candid advice as to the risks your services, rotas and staff might be facing, so that you can ensure that there is a proper response to these issues. It is crucial that in the coming months, guardians are supported to establish themselves in line with these principles. Understandably, junior doctors in your organisation and elsewhere will be observing progress, from the appointment process followed, to the time allocated in a job plan, then onto the first escalated exception report and the independence of the first quarterly report in the autumn. The CQC made clear that the leadership and governance of safe working for junior doctors would also be part of their assessments going forward. You may indeed wish to meet with your guardian and the first trainees to be placed on the new contract (in acute centres, obstetrics and gynaecology doctors from October) to understand first-hand if the principles described here are being met.

If there are any questions about the role of the guardian, or the implementation of the contract, please do not hesitate to contact me via [danielmortimer@nhsemployers.org](mailto:danielmortimer@nhsemployers.org)

Kind regards

Daniel Mortimer  
Chief Executive, NHS Employers

**Woods James (MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST)**

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**From:** McLean Kathy (NHS IMPROVEMENT - T1520)  
**Sent:** 01 August 2016 15:36  
**Subject:** Introduction of the new junior doctor contract  
**Attachments:** 16080101 - Introduction of the new junior doctor contract.pdf; Implementation timeline July 2016.pdf

Dear all

Please see the attached letter from Dr Kathy McLean, NHS Improvement Executive Medical Director.

Kind regards

Dan

Daniel Chinn | Business Manager – Medical Directorate

**NHS Improvement**

Follow us on: [Twitter](#) | [LinkedIn](#)

NHS Improvement is responsible for overseeing foundation trusts, NHS trusts and independent providers. We offer the support these providers need to give patients consistently safe, high quality, compassionate care within local health systems that are financially sustainable. By holding providers to account and, where necessary, intervening, we help the NHS to meet its short-term challenges and secure its future.

NHS Improvement is the operational name for the organisation that brings together Monitor, NHS Trust Development Authority, Patient Safety, the National Reporting and Learning System, the Advancing Change team and the Intensive Support Teams.

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## Implementation timeline

Date	Action
July 2016	Appoint guardians of safe working hours
26 July 2016	Guardian of safe working hours conference, London
3 August 2016	Contract is live
October 2016	Transition to the new terms and conditions of service (TCS) for: <ul style="list-style-type: none"> <li>• Obstetrics ST3 and above</li> </ul>
November – December 2016	Transition to the new TCS for: <ul style="list-style-type: none"> <li>• F1 doctors taking up next appointments</li> <li>• F2 doctors taking up next appointment and sharing rotas with F1 doctors</li> </ul>
February – April 2017	Transition to the new TCS for: <ul style="list-style-type: none"> <li>• Psychiatry trainees taking up next appointments (all grades)</li> <li>• Pathology trainees (lab based) (all grades)</li> <li>• Paediatrics trainees taking up next appointments (all grades)</li> <li>• Surgical trainees (all disciplines) taking up next appointments (all grades)</li> <li>• F2 doctors and GP trainees (ST1/2) taking up next appointments and sharing rotas with any of the above</li> </ul>
August – October 2017	All remaining trainees taking up next appointments (all grades) All new starters (all grades)

### Notes:

- (1) The above does not include trainees employed on long-term contracts in lead employer arrangements (other than those who joined such arrangements on a single placement contract in August 2016, or those whose contracts have a clause allowing for them to be varied in this way); these trainees will remain on the 2003 TCS until they finish training and / or their current contracts expire.
- (2) There will be some parts of the country where rotation dates do not coincide precisely with the above timetable. In such cases, trainees will move to the new terms at the next rotation date following their scheduled transition date, and by October 2017 at the latest.



Medical Directorate

NHS Improvement  
Wellington House  
133 – 135 Waterloo Road  
London SE1 8UG

T: 020 3747 0000  
E: [nhs.enquiries@nhs.net](mailto:nhs.enquiries@nhs.net)  
W: [improvement.nhs.uk](http://improvement.nhs.uk)

Sent via email

28 July 2016

NHS Trust and Foundation Trust  
Medical Directors and Directors of Human Resources

Dear Colleague,

#### **Introduction of the new junior doctor contract**

Following the recent pause for re-negotiations and the subsequent process, the government has now confirmed that it will start a phased introduction of the new contract from October 2016.

You will have recently received a letter from Danny Mortimer, the Chief Executive of NHS Employers, advising you of next steps and the publication of their [implementation guidance](#). NHS Employers has confirmed that the implementation will be in phases, starting in October this year. Enclosed with this letter is a table which sets out the timescales for implementation by junior doctor grade and specialty.

It may also be helpful for you to be aware of other key resources – the final contract and related materials have been published by NHS Employers and can be found at: [www.nhsemployers.org/juniordoctors](http://www.nhsemployers.org/juniordoctors). In anticipation of queries, NHS Employers has also produced answers to key questions, which you can find at: [www.nhsemployers.org/JDFAQs](http://www.nhsemployers.org/JDFAQs).

NHS Employers will also answer any questions on the new junior doctors' contract not covered here or specific to your situation. Queries should be sent to: [juniordoctors@nhsemployers.org](mailto:juniordoctors@nhsemployers.org).

Your trust boards will need assurance that the new contract will be implemented effectively in your organisation and that the workforce is being supported ahead of and during the transition. I previously set out that ensuring your workforce is aware of the changes and what they will mean is essential to effective implementation of the contract and I want to take this opportunity to repeat this message. This will include looking at various changes to rota rules and I know you will be meeting with and engaging with junior doctors on the design and planning of your medical staffing rotas to prepare for the changes from October 2016.

The information you have been providing on progress of appointing Guardians of Safe Working has been useful in helping us to understand how best to support you in this work. Almost all of you have advertised and many appointed which is excellent progress. I attended the first Conference for Guardians of Safe Working last week. It was very encouraging to see so many senior colleagues enthusiastic about supporting our junior

8 August 2016

To: NHS Chief Executives

### **Guardian of Safe Working Hours**

We are writing to you about the introduction of the new junior doctors' contract and implementation of the new role – the Guardian of Safe Working Hours, which forms a key element of the new safer contract for junior doctors. We are aware that junior doctors are particularly concerned about the implementation of the new Guardian role and are worried that local implementation is so far too varied, has not always followed the implementation advice and may not protect junior doctors in the way we intend.

Daniel Mortimer's email to you dated 29 July about the new Guardian role provides very helpful advice and guidance. It importantly makes clear the need for the consistent implementation of truly independent Guardians of Safe Working Hours that will listen to any concerns, that will act promptly and which becomes an integral part of how your organisation's Boards meet their statutory obligations to keep staff and patients safe.

Junior doctors, as a crucial part of the front line health care team, are the vital eyes and ears alerting us to any safety or quality issues in the Service. We have, through the new contract and wider non contractual measures the opportunity to help realise our shared ambition for the NHS to be the safest healthcare system in the world.

HEE has, together with the BMA and NHS Employers, is taking steps to ensure junior doctors who blow the whistle have even stronger legal protections than statute currently affords them, specifically allowing action against HEE (even though it is not the employer). We know that you, as a community of CEs, recognise the need that we must not lose the confidence of our junior doctors, particularly at a time when the NHS is under some considerable pressure. The safety of juniors and patients was one of the key drivers for developing the new contract. It is important that you continue to take a strong leadership role in implementing the new Guardian role and that your organisation is seen to lead by example.

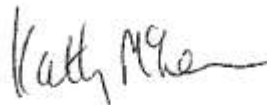
We do not underestimate the effort needed to ensure the new contract is implemented well on the ground. You have already delivered a huge amount; 144 Guardians have now been appointed and we know your organisations are working hard to maintain engagement and encourage collaborative working with your junior doctors. We want to assure you that NHS Employers, Health Education England and NHS Improvement will continue to support your organisations throughout the phased implementation of the new contract. Junior Doctors have reported concerns however about the establishment of the Guardian role in some organisations, and it is important to restate a number of requirements:

- The appointment panel for the Guardian is intended to ensure a balance between managerial and junior doctor members (two colleagues from each)





Danny Mortimer – Chief Executive – NHS Employers



Dr Kathy McLean – Executive Medical Director – NHS Improvement



Dr Mike Durkin – NHS National Director of Patient Safety – NHS Improvement



Professor Ian Cumming – Chief Executive – Health Education England