

# SECTION 40: TERMS AND CONDITIONS OF EMPLOYMENT FOR TRAINEES

## Employment, Annual Leave and Attendance

There are two routes of entry into the Course, one for trainees who originate from within the EU, and the other for those based outside the EU. Although all trainees follow exactly the same programme, there is a difference in employment status. Students from the EU are funded by NHS London and are employed through the NHS; those trainees from outside the EU will have alternative sources of funding, and are not employed by the NHS.

Although this Section applies only to trainees who are employed through the NHS, it is assumed that all trainees will follow the guidance on attendance requirements outlined below.

## EMPLOYMENT

Trainees who are in receipt of funding from NHS London are full-time salaried employees of the NHS, as well as being full-time students registered at UCL. This dual status is very unusual and potentially confusing, because it confers student status for some purposes, but also the rights - and hence the obligations - of a full-time salaried employee.

This Section gives you information about basic terms and conditions. It is not intended as a substitute for the contract with Camden & Islington Foundation Trust, which sets out terms and conditions in a formal manner.

### **Funding, contracts and line management**

Trainees are funded by NHS London. Because the Strategic Health Authority cannot directly employ trainees, it commissions a local Trust to act as the employing Trust and hence to manage all trainee human resources issues related to this employment. For this reason all HR functions are carried out by Camden and Islington Foundation Trust.

**Contract extensions:** Your contract usually allows for three years of full-time funding. Contracts can be extended only under specific circumstances, and usually for no more than 12 months. There is further information about this at the end of this Section.

**Line management:** Henry Clements is 1<sup>st</sup> Year Trainee Line Manager / Kristina Soon is 2<sup>nd</sup> Year Trainee Line Manager / Kat Alcock is 3<sup>rd</sup> Year Trainee Line Manager

# ATTENDANCE REQUIREMENTS

## At College and Placement

As full-time salaried NHS employees, trainees are paid for **all** the activities that take place in the working week. This includes time spent in clinical placements, attending lectures in college, undertaking research, undertaking academic study (and even time spent sitting exams).

This is a very unusual situation; not only are trainees are paid for activities which are intuitively identified as employment (“doing clinical work”), but also for activities usually labelled as “being a student”. Trainees need to keep in mind that they are paid for all activities related to training, whether “work-like” or “student-like”, and that whatever the activity, employment conditions apply. The main reason for being clear about this issue is that a lack of clarity leads to problems in relation to taking leave, and in relation to attendance at college.

## Attendance at lectures

As above, you are being paid to attend college, and hence attendance is a requirement of your employment contract (in other words, you cannot choose whether to come to lectures). For this reason, you need to sign a register of attendance (kept in the General Office). Trainees are responsible for ensuring that they sign in, as it is a formal record of attendance.

If you are unable to attend college, you must notify the office as early in the morning as is practicable (by phone), indicating the reason for your absence. Appropriate reasons for absence are the usual and obvious ones, such as illness, urgent medical consultations that cannot be scheduled for any other time, or unforeseen crises.

In cases where trainees do not attend college and do not contact us within a reasonable period, we will deduct a day of annual leave, and amend our records accordingly.

Persistent failure to attend lectures without good reason will be investigated, and could render a trainee subject to disciplinary action.

## Taking leave during academic terms

During academic terms trainees cannot take periods of leave that include days when lectures take place. This does not mean that trainees cannot take any breaks during term-time – there is no bar on taking leave on placement days.

Exceptions to this rule: There will be occasions when trainees have a legitimate reason for wishing to be absent on academic days. For example, they may have been given a time to attend for medical treatment on an academic day which is difficult to reschedule, or they may be acting in a caring role for an individual who requires medical intervention. Sometimes there are significant (as opposed to routine) social occasions that a trainee wishes to attend– for example, family weddings, funerals, or special events involving partners. In all such cases trainees should talk to their course tutor *before* arranging any leave. Since we are responsive to reasonable requests, we expect trainees to discuss any requests for exceptional leave arrangements in advance. Your course tutor will inform you whether your request for exceptional leave has been granted.

It is inappropriate to request leave retrospectively, and especially inappropriate if the request is made after making travel arrangements (for example, after purchasing tickets), since this can be presented as a *fait accompli*. It is within the course’s rights to refuse leave, even where this would involve some financial loss.

# LEAVE ENTITLEMENTS

## Annual leave

### Basic entitlements

Trainees have 27 days of annual leave per annum. Because the leave year runs from 1<sup>st</sup> April, first year trainees have 14 days leave from when they start to the end of March. In their final year, third year trainees have 14 days from the 1<sup>st</sup> April to the end of September (when they complete the course).

### Long service leave entitlement

Trainees who have been working in the NHS for a given amount of time are entitled to increased annual leave entitlement:

- with 5 years' continuous service: 29 days (15 days in the first/last leave year of the course)
- with 10 years' continuous service: 33 days (16 days in the first/last year of the course)

If the entitlement to additional leave starts part-way through the leave year then this will be added pro rata for the leave year (it will become effective from the first month following the date of the increased entitlement).

Evidence needs to be sought officially via Camden & Islington HR, who can confirm to you if your annual leave entitlement has increased ([hr.support@candi.nhs.uk](mailto:hr.support@candi.nhs.uk)). Trainees are then responsible for notifying both the Clinical Placements Coordinator and the relevant year group line manager of such increase, and providing them with the evidence received via C&I HR.

### Carry-over of leave

You can carry over up to 5 days of leave from one leave-year to the next. If you have more than 5 days of leave to take at the end of the leave year, you will lose it. We strongly recommend that you take all your leave in each leave year, because the more leave you carry over, the less likely it is that you will take it. This advice is especially important as you come to the end of training, because you cannot carry-over over any leave at the end of the course. This means that any leave owing at the end of the course is 'lost'.

### Restrictions on leave and tips on taking leave

Trainees are strongly recommended to plan ahead to ensure that they take their leave. This may seem an odd suggestion, but pressures of work are such that trainees sometimes realise – too late – that they have more leave to take than they can use.

Because of its impact on planning of clinical work, supervisors must be given as much warning as possible about any plans for leave. It is expected that trainees will identify, and be prepared to negotiate, leave arrangements with their supervisors as early as possible in the placement – including any special leave arrangements such as religious holidays, etc.

As far as possible, trainees should plan to take equal amounts of leave in each placement, because taking only a few days in one placement means that the burden of leave falls to the next placement

Taking a block of about 2 weeks continuous leave does not require any special permission (though as above, supervisor should have good notice of any plans for leave). However:

- a) taking a block of more than 2 weeks continuous leave in one placement may cause disruption to clinical work. For this reason taking longer periods of leave (especially anything over 3 weeks continuous leave) need to be negotiated carefully, in advance, with supervisors.

b) long periods of continuous leave (for example, around 4 weeks) may not be possible if it would cause significant disruption to clinical work. However, there may be good reasons why this length of leave is requested, and there should be prior negotiation with supervisors (in the first instance) and with your course tutor.

As described above, leave cannot be taken during academic terms if this results in missing lectures.

### **Sick leave**

Arrangements for single episodes of sick leave follow standard employment practice:

- if you are unable to attend placement, you should notify your supervisor as soon as possible – normally on the first day of any sick leave. At the start of each placement it is a good idea to identify the person to contact who can notify anyone who will be affected by your absence. Please note that the college should also be informed of any absence from placement so it can be noted on your attendance record accordingly. Therefore, when declaring a need for sick leave from placement, please email your placement, cc'ing the Clinical Placements Coordinator ([placements-admin@ucl.ac.uk](mailto:placements-admin@ucl.ac.uk)) and your Course Tutor.
- if sick leave lasts between 3-7 calendar days, fill in and submit a self-certification form to college (this can be obtained from your GP practice).
- if sick leave lasts more than 7 calendar days, you must submit a certificate or letter from your GP or from an appropriate doctor. Bear in mind that you should include weekends in this count (it is not a count of working days off, but of total days of continuous illness).

You should alert your supervisor/placement and the college of any illness as soon as is practicable.

It is important to signal that Camden and Islington's 'Managing attendance and absence policy and procedure' indicates that multiple brief episodes of sick leave can trigger an investigation to ensure that trainees are fit for work. This can include an appointment with Occupational Health as well as a formal meeting with the Line Manager.

### **Leave for exceptional circumstances**

Bereavement leave, leave for urgent domestic distress and carer leave are all designed to allow trainees to manage various forms of personal crises, and are described below. As far as possible trainees should alert relevant parties to the need for leave, but they should use their discretion if they have to leave work at short notice in order to deal with a crisis. In such cases they should follow the arrangements for sick leave (which means contacting supervisors and the college as soon as possible, informing them of the situation and requesting special leave and authorisation to leave work or college).

#### **Bereavement leave**

Bereavement leave is paid leave which is given when a member of the employee's immediate family dies. 'Immediate family' in terms of the C&I policy means a parent, spouse, partner or civil partner, or children.

As soon as is practicable you should contact your course tutor (cc'ing your relevant year group line manager) to discuss claiming bereavement leave. In the event of the death of a spouse/partner or parent up to 10 working days leave may be granted. The trust has special provisions in circumstances where parents experience the death of a child.

#### **Leave for "Urgent Domestic Distress"**

Trainees can request leave in order to deal with urgent domestic emergencies, such as burglary, fire or flooding. You can normally be granted 1 days paid leave. If the need for time off continues other options may need to be considered such as annual leave, flexible working or unpaid leave.

### **Time off for dependants (carer's leave)**

This form of leave can be requested to provide support to deal with unexpected or sudden family emergencies. This leave cannot be booked in advance as it's provided in case of emergencies. In usual circumstances, one day's carer's leave is granted but depending on circumstances up to 7 working days can be granted to cover a single episode in any 12 month period in discussion with your course tutor and your relevant year group line manager.

Carer's leave will not apply to care being provided by a hospital or accompanying dependants to medical or dental appointments.

Employees who have been employed for a minimum NHS continuous period of 12 months at the time the leave is requested may apply for extended unpaid special leave.

### **Maternity leave**

Entitlement to maternity leave and benefits varies in relation to the length of time you have been on the course or in NHS employment. As a first step, you should consult C&I's Family Friendly Leave Policy in order to understand your entitlements and what information you will need to provide when. You should also discuss with your course tutor who will be able to help you make plans and who formally records your absence from the course, and ultimately with your relevant year group line manager. Detailed requests for advice and paperwork should be directed at Camden and Islington Human Resources.

### **Paternity Leave**

Paternity leave applies to biological and adoptive fathers, husband, wife or partner of the mother. Eligible employees are entitled to up to two weeks paid leave and reasonable time off to attend ante-natal classes. In order to take this leave you will need to submit the Paternity Leave Application Form (Form PL1), signed by your relevant year group line manager, to C&I at least 28 days before the requested start date.

### **Shared Parental leave**

Please consult C&I's Family Friendly Leave Policy for further details.

### **Keeping in Touch (KIT) days**

Employees on maternity/parental leave are entitled to up to a maximum of 10 KIT days – these are intended to help employees maintain contact with their work context, and may be paid in certain agreed circumstances.

The idea of 'keeping in touch' is worth clarifying. In the context of the DClinPsy programme, the main focus is on facilitating the transition from maternity leave back into work; as such the usual reason for claiming a KIT day would be to undertake planning or preparation relevant to a return to the programme.

Examples could include a trainee:

- meeting with the placement supervisor with whom they will be working on their return to work;
- undertaking a placement-specific training day (e.g. Ri0, PC-MIS, safety procedures) that they would otherwise miss;
- meeting with course staff to discuss and to plan assignments that will be undertaken on the trainee's return to work (e.g. meeting a research supervisor or course tutor, usually where advance planning is needed in order to aid the transition back into the programme)
- attending a unique training event that will not be repeated (for example, a lecture that will not be repeated after their return to college, or a "one-off" conference that the programme has organised)
- attending teaching that directly supports a return to work, where missing teaching could have an adverse impact (for example, a session advising on procedures for the research viva)
- undertaking "extra-ordinary" academic work that cannot be delayed until the trainee returns to work, and where delay would make it likely that a further extension to training would be

required (e.g. revising an ethics application that needs to be approved in order for research to start as soon as the trainee returns to work).

These examples are illustrative, and cases will be dealt with on an individual basis.

KIT days cannot be used by a trainee to participate in 'routine' teaching or training events nor can they be used to 'catch-up' with academic, clinical or research assignments that would be expected to be undertaken after returning to work (for example, writing a case report or sections of the research thesis).

The approval of KIT days is at the discretion of your relevant year group line manager, to whom the relevant application form should be submitted by trainees wishing to take a KIT day.

### **Religious/ cultural observance**

Trainees who wish to take days for religious observance, or who wish to have an earlier finishing time can request this, and (in general) can expect some flexibility – the usual expectation is that supervisors and the course will try to accommodate these requests. However, there is no specific leave entitlement to cover such arrangements, which need to be taken as annual leave, unpaid leave, or by making up any time lost. It is also important that trainees discuss any such requests at the start of the placement, and give good notice of any intended leave.

### **Disability Leave**

Disability leave is time off from work for a reason related to someone's disability or long term condition, a condition which lasts 12 months or more. It is a type of reasonable adjustment/workplace adjustment which employees are entitled to under the Equality Act (2010). Employees can take up to 10 working days of disability leave per rolling 12 month period. If time off work due to ill health is for a reason not related to a disability/long term condition, then it should be recorded as sickness absence.

### **Research Study Leave**

At certain points in the research cycle trainees may need to work more intensively on their thesis research project. For this reason (from the beginning of the second year of the course onwards) trainees can apply to take up to 6 days of Research Study Leave from each six-month placement, in order to focus on their research.

There is no automatic entitlement to this leave - trainees should negotiate research study leave with their Clinical Supervisor preferably well in advance. Such requests must be carefully balanced with placement demands. Leave can be taken as a single block or as a series of days over a period of time, with the number of days taken reflecting need.

Examples of times a trainee might take study leave could include:

- A trainee who wishes to work on the literature review over successive days in order that they can maintain the flow of their ideas
- A trainee whose research is predicated on attending clinical meetings which are always scheduled for a placement day, and who therefore needs to take days of research study leave over a period of time in order to attend the meetings
- A trainee who needs to attend a research ethics committee
- A trainee whose data-collection is best achieved using a block of time, or who needs to schedule data-collection around hard-to-book lab times

As should be clear from the above examples, decisions about taking research study leave as a block or as a series of days will depend on the need the leave is addressing.

### **Procedure**

a) Trainees should ensure that if they are taking Research Study Leave they will have undertaken enough days on placement to meet the BPS criteria, as indicated in the Training Handbook.

b) In the first instance applications for research leave must be negotiated with the Clinical Supervisor, either early in the placement, or as soon as the need for leave becomes clear. Clinical supervisors are entitled to balance the needs of the clinical placement against the trainee's need to undertake research. This means that trainees may have to take fewer than six days study time, or even no study time at all. On occasion it may be that Research Study Leave is requested later in the placement (for example if there have been unforeseen difficulties with recruitment and the study time is required to manage this).

c) If the clinical supervisor is agreeable to the leave being taken, trainees need to deduct this from their number of placement days.

### **Additional information for international students Tier 4 monitoring arrangements**

For those trainees who are being sponsored by UCL on a Tier 4 Visa, UCL is required to monitor academic engagement throughout the year. Officially, there are 11 monitoring time points, and lack of engagement can have serious consequences for your continued enrolment.

As with home/EU students, leave should not be taken during the designated teaching and examination periods. If you require an authorised absence (sick leave and exceptional circumstances listed above) for more than two weeks during the academic programme, this needs to be approved by the relevant year group line manager. Such requests for leave of more than two weeks should be made prior to arranging your travel as the department is required to first notify the UCL Visa Compliance team of such requests. These requests should be made through Sharinjeet Dhiman, International Trainee Administrator.

Under Tier 4 visa arrangements, it is your responsibility to keep your contact details up to date on Portico. This includes, address, mobile phone number and email address. UK visa and immigration requirements change frequently and therefore, you are advised to check the UK Visa and Immigration website for the most up-to-date information.

## **RECORDING LEAVE AND SICKNESS ABSENCE**

Trainees should notify any absence to the Course. As above, arrangements for leave cover the 'working week', and hence must include any absence **from placement or from college**, and includes:

- any annual leave
- any sick leave
- any other absence (for example, compassionate leave)

Trainee absence/leave is recorded on the Annual Leave area of the ETFS. Trainees are responsible for adding their own annual leave, once approved by the relevant parties, onto the system directly; sick leave and any other types of absence need to be reported to the Clinical Placement Coordinator to update.

Intake 2016 (and prior) use quarterly returns to record AL/sickness, and are therefore not recording any absence/leave onto the ETFS.

Trainee attendance figures are shared with Camden and Islington NHS Trust, and are a formal record of your pattern of leave. On this basis, failing to record leave accurately is potentially a disciplinary matter.

## **CALCULATING ANNUAL LEAVE ENTITLEMENT**

Calculating annual leave is usually fairly straightforward, but it can be complicated by study time and research time entitlements, and by shifting patterns of work in and out of term-time (see Section 10).

### **The problem**

When calculating how much annual leave they have taken, some trainees inappropriately deduct study days and study time from their calculations. This has the effect of reducing the amount of annual leave they claim, and hence gives them more leave than they are entitled to.

### **How the problem arises**

As above, and at the risk of repetition, you are paid to work 5 days a week. This means that you are paid for everything you do during the working week – for clinical days, for academic days, for study days, for research, and so on.

Past experience tells us that trainees slip into the habit of treating only placement days as coming under employment regulations, and treating days in college or study/research days as if student status applies – in other words, they forget that employment regulations apply to everything.

It doesn't help that study and research time is often called study leave rather than study or research time. As described in Section 10, it is not leave:

- a) it is time made available for study or research, in recognition of the other duties a trainee is expected to carry out
- b) it is acquired on the basis that a trainee is available for work in any particular week. If a trainee takes time off during a week, this will reduce the amount of clinical or study time they are entitled to, in proportion to the amount of time they are working.

### **The consequence**

#### **Example 1**

Consider a trainee taking annual leave out of term.

- Assume that they normally work 4 days on placement and 1 study day
- They take 5 days off (Monday through to Friday)
  
- The correct return is 5 days of annual leave. This is for a simple reason – the study day is not a leave day – it is a day for which trainees are paid, like any other.
- The trainee might (in error) return this as 4 days of annual leave. This happens if they treat the study day as if it wasn't a day of employment

#### **Example 2**

Here the trainee in Example 1 takes 4 days of annual leave (Monday through to Thursday) and studies on the fifth day.

The correct return is still 5 days of annual leave. This is because the study day in any one week needs to be 'earned', on the basis that the trainee is working during that week. Remember that study time is there in recognition of the other duties trainees need to perform. It is a *notional* day, not a fixed entitlement. If the trainee isn't working during the week, there is no study day.



**Further examples** – the weekly pattern is notional; shaded days show days taken as leave

Monday	Tuesday	Wednesday	Thursday	Friday
Placement	placement	college	placement	study day

= 1 day of annual leave

Monday	Tuesday	Wednesday	Thursday	Friday
Placement	placement	college	placement	study day

= 4 days of annual leave

**Out of term (where there are 4 placement days a week)**

Monday	Tuesday	Wednesday	Thursday	Friday
Placement	placement	placement	placement	study day

= 5 days of annual leave

Monday	Tuesday	Wednesday	Thursday	Friday
Placement	placement	placement	placement	study day

= 3 days of annual leave

Monday	Tuesday	Wednesday	Thursday	Friday
Placement	placement	placement	placement	study day

= 5 days of annual leave

This can all get rather complicated, and there is a limit to how many examples we can give. If in doubt, ask your course tutor.

## **ATTENDING CONFERENCES AND COURSE FUNDING FOR CONFERENCES**

From time to time trainees may wish to attend a conference or meeting. However:

- a) attending teaching at college takes precedence over a conference.
- b) if the conference takes place over placement days, attendance should be discussed with supervisors in the first instance as well as your Course Tutor, and may involve taking annual leave. Clearly if a conference/meeting is recommended by a supervisor and takes place as part of placement activity, this caution on attendance does not apply.

Because our purchasers make the assumption that the course covers trainees' academic education, we do not have any funding for attendance at outside seminars or conferences.