

10 February 2015

Dear Sir/Madam

Thank you for your recent Freedom of Information request regarding payroll issues.

The Trust can provide the following information:

#### Question 1

When calculating the percentages of occasions that a monitored rota is compliant with the banding requirements for natural breaks, do your standard systems or processes undertake such calculations solely with reference to returned diary cards, or are there instances where they use substituted data?

DRS will calculate the natural breaks compliance of a monitoring exercise solely on the data which is populated. Unreturned diary cards or occasions where doctors have indicated they were on leave are excluded from the calculations. We believe this provides a fair reflection of the achievement of natural breaks on any given exercise

#### Question 2

When calculating the percentages of worked periods of duty for which monitoring returns have been provided in order to determine the validity of a monitoring exercise, do your standard systems or processes undertakes such calculations solely with reference to worked periods of duty, or are there instances where they include unworked shifts?

If there are such circumstances in which data for unworked shifts is used please provide a description of those circumstances.

DRS will calculate the return rate based on the number of days on which data was entered and saved vs the total number of days for which data was expected

#### Question 3

Do your standard systems or processes facilitate a DiT who has worked a 10 hour shift, but who has not received any natural breaks, to report more than one instance of failure to provide natural breaks? If the answer is yes please can you confirm how your system achieves this, providing a copy of screenshot(s) or other documentation that demonstrates this functionality in operation?

On each day of the exercise there is a single tick box to indicate whether a doctor believes they have achieved natural breaks. While this doesn't provide the facility for occasions-based analysis, we believe this approach is a fair and neutral way of recording the achievement of breaks. Just as multiple failures on a single day would be counted as one fail, multiple achievements of natural breaks on a single day are only counted as one success, so the overall result favours neither party

#### Question 4

Do your standard systems or processes facilitate a DiT who has worked a half-day (e.g. 4 hour) shift, for whom no natural break entitlement has arisen, to report a null value instead of having to report an instance of compliance or non-compliance? If the answer is yes please can you confirm how your system achieves this, providing a copy of screenshot(s) or other documentation that demonstrates this functionality in operation?

At present there is no function within DRS to do this

#### Question 5

Do your standard systems or processes provide that a rota be awarded a Band 3 payment when, on less than 75% of occasions on which a DiT is working an on-call pattern, the DiT does not receive both rest equivalent to at least one half of the out-of-hours duty period and a minimum of 5 hours continuous rest between 10pm and 8 am on the same occasion?

DRS will report these two elements separately and provide two percentage compliance figures. The system will not analyse them in addition to one another. We believe this to be in line with the TCS and banding flowchart. The banding flowchart helps provide clarity in that the two should be measured separately. The BMA were involved in both the development of the banding flowchart as well as the design of the DRS Rule Book, and as such it is surprising that they are now wanting to take a different interpretation to that which has been in use for the past 14 or so years

If you have any questions around the New Deal contract itself then please direct these queries to NHS Employers

If you have any queries about this response please contact the information governance manager at [foi@homerton.nhs.uk](mailto:foi@homerton.nhs.uk), in the first instance. If, following that, you still have any concerns, you may contact the Information Commissioner either by letter, FOI/EIR Complaints resolution, Wycliffe House, Water Lane, Wilmslow, Cheshire SM9 5AF, or by email [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk) to take them further.

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Yours sincerely

*Incorporating hospital and community health services, teaching and research*

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