



SCOTTISH EXECUTIVE

Health Department
Human Resources Directorate

Dear colleague

NEW DEAL FOR JUNIOR DOCTORS: NATURAL BREAKS

1. This circular advises of the interpretation which the Implementation Support Group will use with immediate effect to determine whether, in respect of the number and timing of in-shift natural breaks, rotas are compliant with the New Deal.

Towards full compliance

2. All employers are contractually obliged to achieve the August 2003 target of full compliance with the New Deal for all doctors in training. We recognise the efforts that are being made across the service to meet this challenging target, which in many cases require imaginative service re-design and role re-engineering. Employers are urged to re-double their efforts in the next few months - the financial consequences of non-compliance with the New Deal are now severe.
3. Ministers fully support the New Deal and regard achieving full compliance as central to achieving safe working conditions for all doctors in training.

Natural Breaks

4. We have been aware for some time of a need to clarify the interpretation of the New Deal guidance on natural breaks (as set out in [HDL \(2000\) 17](#) Appendix B). This was discussed at the February meeting of the Implementation Support Group Project Board, chaired by Professor MacPherson and comprising representatives from the BMA SJDC, service representatives (a Chief Executive, a Medical Director and an HR Director), and the Scottish Executive. The attached paper, prepared by the ISG Central Team, provides clarification of the interpretation which will be used to determine whether, in respect of the number and timing of breaks, rotas are compliant with the New Deal.

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Addresses

For action

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5. Any questions regarding the paper on Natural Breaks should be addressed to the ISG Central Team:

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Yours sincerely

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Natural breaks

Natural breaks are the minimum rest requirements for all full shift duty periods, including the normal working day of all working patterns.

The contract states that a junior doctor is entitled to a natural break (as defined below) after approximately four hours work. Due to the ambiguity of the word 'approximately' further clarification has been agreed on the definition, number and timing of natural breaks.

The overriding principle of this clarification is that no junior doctor should work more than 5 hours without a break. For a duty period to be deemed compliant on natural breaks, **all** of the definitions below must be met for **all breaks** required. For monitoring purposes, natural breaks must be achieved on 75% of occasions.

1. Definition of a Natural Break

A natural break is a minimum period of 30 minutes continuous rest. Natural breaks must be separate 30-minute breaks. A single one-hour break does not count as 2 natural breaks, nor would two separate 15 minute breaks count as one natural break.

It is acceptable for a doctor to be called or bleeped during a natural break so long as the doctor does not have to act on the call. However, repeated calls or bleeps during a natural break would be regarded as disrupting that break, and as such this would not be considered an adequate rest period. It must be made clear that this **only applies to natural breaks and to no other type of rest**. This is because for purposes of hours calculations the duration of a natural break is counted as work and must not be included in total rest calculations.

2. Number of breaks required in a given duty period.

Up to 5 hours	-	0 breaks
5 hours 1 minute to 9 hours	-	1 break as a minimum
9 hours 1 minute to 13 hours	-	2 breaks as a minimum
13 hours 1 minute to 14 hours	-	3 breaks as a minimum
over 14 hours	-	non-compliant (breach of maximum continuous duty for full shifts)

3. Timing of breaks during that duty period.

The overriding principle that no doctor should work more than 5 hours without a break must always apply. For each duty period the minimum number of separate natural breaks (as shown above) must always be taken. The timing of these breaks must be arranged to ensure that **both** of these criteria are **always** met.

When a doctor begins their rostered duty period the clock starts ticking. The doctor must begin a natural break before the clock exceeds 5 hours. After they have completed a natural break, the clock is reset and the next natural break must be begun before a further period of 5 hours has been exceeded.