

East Midlands Local Education & Training Board Curriculum Study Leave Policy Document (August 2013)

Applies to applications for CSL made after 7 August 2013.

Introduction

This document sets out the current policy for Curriculum Study Leave (CSL) in East Midlands Local Education & Training Board (EMLETB). It replaces all previous published editions.

As Study Leave is an integral part of educational programmes, doctors in training grades are actively encouraged to take their Study Leave entitlement by attending local and regional courses or, if necessary, national courses in line with their curriculum needs. It is important to note that Trainees, as part of their terms and conditions of service, are contractually obliged to undertake such courses of study as agreed with their Educational Supervisor and Programme Director or School.

CSL Overview

The EMLETB has introduced an electronic online system for doctors in training to request approval to attend the external training courses that are required to meet the curricular requirements of each of the individual training programmes. The system will manage all applications for Study Leave and Exam Leave.

The system replaces the paper-based and electronic systems that have previously been used. The online Study Leave Manager has been rolled out across all the Trusts in the East Midlands and went live for all doctors in training in August 2013.

Specialty Schools

Specialty Schools have reviewed each of the training programmes and have identified the external training requirements to meet the curriculum requirements for each programme and level of training. This will make it easy for doctors in training to see the external training requirements they need to complete to progress to the next level of their training.

All courses listed for the relevant year of a trainee's programme will be automatically accepted provided the trainee has sufficient funding in their budget and Study Leave days to meet the requirements.

Each of the approved courses has a unique identification code which must be used to avoid any delay in the approval of an CSL application. Programme course lists are reviewed regularly to reflect changes made to the curriculum.

All the Schools' Programme Course Lists can be found on the EMLETB website at this link: <https://www.eastmidlandsdeanery.nhs.uk/page.php?id=737> .

Foundation Trainees will be using the system to request their Mandatory training programme and taster days.

For General Practice Trainees, Programme Directors will review all of the applications for their educational suitability.

CSL Champions

Each Hospital/Trust/Training Programme has appointed a CSL Champion. These people are appointed to assist you with the process. They will be the first people on the approval chain in all applications. They will approve the application on behalf of the organisation/programme. This will enable them to track applications through the process and ensure that it is not unnecessarily delayed. They will also be the people Trainees should consult if a difficulty is experienced with the online system. The list of CSL Champions can be downloaded from the EMLETB website at this link: <https://www.eastmidlandsdeanery.nhs.uk/page.php?id=737> .

Exception Requests

There will always be courses that doctors in training wish to attend which are not listed for their programme and these will be classed as Exception Requests.

Each Specialty School has nominated an Exception Request Approver who will receive and consider these requests prior to approval. We would recommend that you discuss Exception Requests with your Educational Supervisor prior to submitting your request.

Individual Budgets & Study Leave Days Allowance

Each doctor in training will have an individual budget for his or her year of training plus a specific allowance of Study Leave days. This may vary for each programme and level of training, as there may be a requirement to attend mandatory training days delivered by the School or Programme. The CSL Leave Year runs from August to August.

It is the long-term goal of the EMLETB to ensure that training programmes deliver most courses locally. This will take time to achieve and will require negotiation with Royal Colleges, Health Education England and the Department of Health.

The online system will help us to collect the information on what courses are required for Trainees in the future.

Study Leave Policy

1 General Notes

Although Study Leave regulations are couched in formal terms; in practice, Postgraduate Medical Education has evolved and is continuing to evolve. This is reflected in the policy and processes set out here.

The GMC Standards for Training identify the requirement that Trainees have access to Clinical Supervisors and an Educational Supervisor. For every trainee, the Educational Supervisor should be explicitly identified, since s/he is responsible for overseeing the trainee's postgraduate educational programme, including his or her Personal Development Plan (PDP).

All Trainees must have an agreed PDP. This must be developed with and signed by the Educational Supervisor. All applications must be submitted using the online CSL Leave Manager system. All applications must be submitted with a minimum of six weeks before the date of the leave and claims for expenses arising out of agreed Study Leave must be received within six weeks of attendance. Only in exceptional circumstances would a written request describing mitigating circumstances, such as sick leave, allow consideration of discretion on these two requirements. Information about the online system will be given to you at induction at each Trust and you will automatically be sent your log-on details to the CSL Leave Manager system using the contact details (usually email) that each trainee must maintain as up-to-date with EMLETB.

All forms of CSL must be prospectively documented and approved by their Educational Supervisor in the trainee's Personal Development Plan.

The following four subsections describe important responsibilities for Trainees, their Supervisors and Programme Directors. They are collected in this General Notes section because they are of generic importance in ensuring the Study Leave process can deliver its aims.

- a) It is the responsibility of the Programme Director for each training grade to ensure that all Trainees rotating between Trusts have a written indication of which Trusts they will be visiting in the following 12 months.
- b) Those programmes where planning ahead is difficult are strongly advised to seek the support of their Specialty Education Committee and their Head of School.
- c) Schools maintain lists of mandatory curriculum delivery for each of their programmes that are each mapped to the GMC approved curriculum for each programme. These lists are available via Schools to Trainees, Programme Directors, Postgraduate Education Centres, Directors of Medical Education, College Tutors and Educational Supervisors. The lists are also available from the EMLETB website at the following link: <https://www.eastmidlandsdeanery.nhs.uk/page.php?id=737>. An application for Study Leave that does not form part of a programme's published mandatory curriculum delivery should normally be rejected.
- d) Applications to attend educational courses outside the EMLETB will not normally be considered when an appropriate course is available within

the EMLETB. Approval might be granted if the application is accompanied by an explicit written explanation from the trainee's Programme Director.

Career guidance is available from Educational Supervisors, Trusts' Directors of Medical Education and from the EMLETB; visit www.eastmidlandsdeanery.nhs.uk. The annual cycle of appraisal and assessment that concludes with the ARCP (or annual RITA) offers ideal opportunities to discuss career guidance and the documentation of suitable CSL in each trainee's approved Personal Development Plan (PDP). The Educational Supervisor must approve the PDP (signature or e-portfolio sign-off). It is mandatory that application for CSL is prospectively documented and approved in the applicant's PDP. Failure to achieve prospective approval in this way is a legitimate basis for the refusal of a CSL request.

2 Definition of Types of Leave

It is important when considering making an application for all types of leave to be clear upon the classification of the proposed absence and whether or not the application submitted is for Study Leave or whether it falls under another category. This section does not cover overseas leave (see **Section 12**), Out of Programme (OOP E/C/T/R; see **Section 9**), sick leave or annual leave. Whilst this section does not cover Maternity Leave itself, CSL is an appropriate activity to be undertaken by Trainees on Maternity Leave on a 'Keeping in Touch day'; these days are formally agreed between a trainee on Maternity Leave and their employer. Applications for CSL on a 'Keeping in Touch day or days' are made and approved using the standard online CSL approval process.

a) Study Leave

Study Leave is only granted to Specialty Trainees (CT/STR) and Specialist Registrars (SpR) as part of their postgraduate training to acquire curriculum competencies set out in the relevant GMC approved curriculum. Study Leave must be applied for using the CSL approval process.

Study Leave will normally be granted to the maximum extent consistent with maintaining essential clinical services in accordance with recommended standards.

b) Private Study Leave

Private Study Leave is for private study towards a curricular aim not set out in the CSL Lists and which is also not part of the weekly timetable for Trainees of the same grade and specialty. The details of the amount of time available for Private Study Leave and how it is applied for are set out in **Section 3j)** below. Private Study Leave must be applied for and granted as an Exception Request (see section above).

c) Special Leave

Special Leave is not Study Leave. Special Leave is granted by employers to their employees to attend courses that the Trust indicates are mandatory for them to deliver their role as an employee at the Trust.

It is important to note that expenses incurred or time used as a result of a Trust's requirements for Special Leave for its employees must not be repaid from the Study Leave budget or from a trainee's Study Leave time allocation.

3 Study Leave for Core Trainees (CTs), Specialty Registrars (StRs and Specialist Registrars (SpRs)

- a) Specialist Registrars (SpRs) are Trainees whose training is governed by the so-called 'Orange Guide' to Specialist Training introduced by Sir Kenneth Calman. Specialty Registrars (CTs and STs) are Trainees whose training is governed by the 'Gold Guide to Specialty Training'; the 2013 version of the Gold Guide will amalgamate the previous versions of the Gold Guide introduced as part of Modernising Medical Trainees since August 2007.
- b) SpRs, CTs and StRs receive a total of 30 Study Leave days per year. Each of these days is an equally important opportunity for curriculum delivery. Where possible, these days should be taken pro-rata to the length of each placement.
- c) SpRs, CTs and StRs in years one and two of their training programme should normally receive a minimum of one half day per week **protected** educational time. This should normally be increased to one day per week from year three onwards – year three is usually the first year of higher specialist training. This additional half-day per week must be for protected education and training, such as one-to one teaching, group-based training and ward-based simulation training. In more senior years, this time could increasingly be for gaining documented experience in research. This **protected** educational time may well draw on a proportion of the Study Leave time, but only up to a maximum of 20 days allocation each year.

This protected educational time must be demonstrably directed towards the acquisition of relevant curriculum competencies. When built into a trainee's weekly timetable in this way and expenses are not payable, application through the CSL Application Manager is not required (as of August 2013, this is under review). It should be noted, however, that this protected and timetabled time may count against a trainee's Study Leave time allocation, even though it is not approved by means of the online CSL approval process.

Further protected educational time built into the weekly timetable over and above the description above in this **Section, 3c)**, that cannot be claimed for through the CSL application process and is regarded as part of routine training, does not draw on the trainee Study Leave time allocation.

- d) A minimum of 10 days per year is available for Study Leave by application through the CSL Approval Process. This figure can be increased in any one year, provided that there are Study Leave days that are unused in the process described in section 3c) above. So, whilst the use of the annual maximum of 30 days' Study Leave allocation each year is usually in the ratio of 10 days through the CSL Application Process and a total of 20 days as set out in a trainee's weekly timetable; other ratios are possible, provided that they are agreed by the Programme Director and are available to all Trainees at the same stage of training on a programme.
- e) The Study Leave time allowance of 30 days may not be accumulated over the period of the training programme. Such an accumulation is generally detrimental to a trainee's personal development and, as a result, will not be approved. In exceptional circumstances, this can be challenged through the appeals process and, without exception, it can only be reviewed with the formal written agreement from the Head of School who would have the responsibility of brokering the arrangement with those Trusts through which the relevant trainee will rotate over the relevant years of training.
- f) Where it is a standard part of a structured training programme, Trainees may receive leave with pay and expenses (other than professional examination fees) on a maximum of two occasions for the purpose of sitting a professional examination for a higher qualification. For further details on examination leave, see **Section 10, Entitlement to Examination Leave**.
- g) Trainees may also receive leave with pay and expenses (other than professional examination fees) for the purpose of sitting other professional examinations for a higher qualification, provided that the exam demonstrates mandatory curriculum competencies in the relevant GMC approved curriculum that have not already been successfully demonstrated in an earlier exam. Repeated sitting and failing of the same examination can be held to be an unjustifiable use of paid Study Leave. For further details on examination leave, see **Section 10, Entitlement to Examination Leave**.
- h) CSL resources must not be approved to support so called 'last minute crammer' courses for exams.
- i) When calculating Study Leave, all the days approved are counted, including those weekend days and Bank Holidays encompassed by a period of Study Leave. This is because of the liability for expenses arising from the allocation of Study Leave days. Where expenses for these days are not claimed, then, at the prospective request of the trainee, and with their consent to waive the associated expenses, these days will not be counted against the Trainee's Study Leave allocation of days.
- j) The authorisation of Private Study Leave is discretionary. A trainee may be granted up to a maximum of three days' Private Study Leave per year, for example prior to an examination. This will count against the annual 30 day Study Leave allocation. With the written approval of the

Head of School, a total of seven days (2 + 5 = 7 days) Private Study Leave may be approved.

Applications for Private Study Leave must **always** be through the CSL online Application.

4 Study Leave for Less than Full Time (LTFT) Training

Those in LTFT training receive Study Leave pro-rata to a whole time trainee in any one year. By this means, access to Study Leave over the duration of the days spent in training is equivalent to those in full time employment. If the number of days is exceeded in any one year, discretion should be used during the approval process. As with full time Trainees, when calculating Study Leave, all the days approved are counted, including those weekend days and Bank Holidays encompassed by a period of Study Leave. In exceptional circumstances, and then only with the written support of the Head of School, a pro-rata adjustment to this calculation may be granted if, over the duration of the LTFT trainee's programme, the number of weekends included in this calculation is demonstrably greater than would be incurred by a full time trainee.

5 Study Leave for NTN holding Clinical Lecturers, NTN holding Clinical Scientists, Academic Clinical Fellows (ACFs), and Academic Clinical Lecturers (ACLs)

- a) Study Leave will be considered for these grades. Only applications related to postgraduate clinical training (curricular competency acquisition) should be made using the CSL online Application Process.
- b) Study leave related to academic research that is additional to the acquisition of the relevant GMC approved curricular competencies for these Trainees should **not** be funded by the Study Leave budget, but through the funding source for the trainee's academic research; for example via the HEI. Trainees holding a University contract of employment should note that leave of absence related to clinical training requires the approval of both the University and the NHS Trust with which they hold an honorary clinical contract.

6 Study Leave for short fixed term training appointments in GMC approved training posts that do not lead to the CCT or CESR: Locum Appointments for Training (LATs) and Fixed Term Specialty Training Appointments (FTSTAs)

Doctors holding LAT or FTSTA contracts work in placements managed by the host EMLETB School that are contracted through the LDA between the Commissioner and the employing Trust. As such, Trainees in these posts have pro-rata access to Study Leave resources in proportion to the duration of their fixed term contract.

7 Study Leave Approval Process

It is important to note that EMLETB will check and authorise:

- a) That applications are of educational value and that they are listed on the mandatory or recommended Study Leave approved course list created by the School (the School's CSL list).
- b) The trainee is not exceeding their Study Leave entitlement (finance & time).
- c) Applications for CSL must be submitted using the online CSL application process at least six weeks before the period of leave.
- d) The trainee's host Trust has a role in authorising absence from service and ensuring that the leave has been agreed with the trainee's Clinical Director (or delegate) and that backfill for on-call (where appropriate) will be provided.
- e) Under exceptional circumstances, EMLETB has the discretion to approve late applications submitted prior to the period of Study Leave where it judges that doing so is appropriate. Retrospective applications will not be allowed.

8 Reimbursement of Expenses incurred as a result of Study Leave taken

- a) Claims for reimbursement of expenses must be made to the employer involved in approving the Study Leave.
- b) Claims can only be made against leave that was prospectively approved using the online CSL Approval Process.
- c) Evidence of attendance, such as a certificate of attendance and evidence of approved expenses, such as travel receipts, are mandatory for making a successful claim.
- d) Claims must be in writing using the appropriate process in the Trust and should be made within six weeks of the Study Leave being completed. Failure to meet this timescale is a reasonable basis for refusal to reimburse late claims. Late claims will not be reimbursed unless accompanied by a letter setting out the exceptional circumstance that led to the delay; an example might be a significant documented period of sick leave.
- e) Unless special considerations exist, Trusts should pay all reasonable expenses approved via the CSL approval process that arise as a natural consequence of granting the specific episode of Study Leave. Namely, travelling and subsistence in accordance with prescribed rates (see **Section 8h**) below), together with appropriate fees. Trusts will, however, exercise discretion to pay less than full expenses in

circumstances where this is deemed reasonable by the Trust and where this has been prospectively agreed in writing with the applicant prior to attendance at an event.

- f) Where possible, staff must take advantage of concessionary fare arrangements. 'First class' and other premium class travel will not be reimbursed.
- g) When making a request for reimbursement of expenses, claimants are advised to refer to their online CSL application for any specific additional details as to which receipts are required for reimbursement.
- h) Authorised Costs. A receipt for each item must accompany all claims for reimbursement of expenses. In addition to course fees, the following expenses can be applied for:
 - i. Maximum of £55 per night B&B.
 - ii. Staying with friends or relatives: £25 per night including subsistence.
 - iii. Mileage: 24p per mile or public transport costs; standard travel only.
 - iv. Meal Allowance of £20 per day.
- i) Unauthorised Costs include:
 - i. Examination fees.
 - ii. Credit card charges.
 - iii. Conventions.
 - iv. Ceremonies.
 - v. Retrospective applications without prior approval.
 - vi. Excess expenses will not be refunded.

9 Exceptional Periods of Study Leave

- a) Study Leave opportunities that are either unusual or rare or both, are not considered exceptional on the basis of their rarity alone. Approval of a period of exceptional Study Leave is discretionary, as is the case for all Study Leave. An exceptional opportunity refers to the exceptional contribution attendance is likely to make to improved patient care in the NHS directly as a result of the leave being granted. The study opportunity must also relate directly to a published NHS priority that is uniquely applicable to the applicant in the EMLETB and undeliverable by another means.

An objective, documented, evidence base must underpin an application asserting that a period of Study Leave is exceptional. Trainees and others should carefully note that exceptionality, even with a strongly supportive objective evidence base, does not obligate approval.

- b) Such applications must be received at least 12 weeks before the planned absence is due to commence to allow the EMLETB to make its decision.

- c) Study Leave without pay cannot and will not be approved under any circumstances. Applicants planning to take time away from their programme without pay must follow the policy for Out of Programme Experience (OOPE), Out of Programme Training (OOPT), Out of Programme Research (OOPR) or Out of Programme for a Career break (OOPC). Details of these four forms of OOP can be found in the Gold Guide 2013. The EMLETB Policy for OOP is set out on the EMLETB website: (www.eastmidlandsdeanery.nhs.uk).

10 Entitlement to leave to attend examinations

- a) Whilst it may be essential for doctors in training to obtain an appropriate professional qualification, financial support will not be provided to allow a trainee to obtain the equivalent qualification of two or more Colleges/Faculties.
- b) Applications for Study Leave to attend a professional examination must follow the online CSL approval process.
- c) Examination leave can only be approved with pay and expenses within the United Kingdom for a maximum of two attempts at any one part of an examination. Salary, subsistence and travelling expenses claims to and from the examination centre may be payable if set out in the original approval letter. The authorised scale of costs payable is set out above in **Section 8h**.
- d) Professional examination fees are never reimbursed.
- e) Study Leave expenses will not fund third and subsequent attempts at any one part of an examination. Study leave time may be provided for third and subsequent attempts at an examination in negotiation with the Head of School. The applicant may be asked to provide supporting documentation of satisfactory educational progress in post and of suitable preparation for the exam.

11 Applications for examination leave in Eire

- a) Study leave in Eire is technically Overseas Study Leave. However, EMLETB accepts that occasionally there will be special circumstances when it will be reasonable for examinations in Eire to be supported.
- b) If an application is approved, second-class rail and ferry expenses will be paid to Dublin. Other expenses will be paid equivalent to those that would be incurred were the examination or meeting to be held in the UK.

12 Overseas Leave

a) General Principles:

- i. There is no entitlement to overseas Curriculum Study Leave. EMLETB will therefore not consider appeals from Trainees in respect of overseas leave. The four forms of OOP, if taken abroad, are not a form of overseas leave taken from within a training programme. During OOP, Trainees are out of programme. **See Section 9c)** above.
- ii. Trust approval for overseas leave is not an available option for Trainees undergoing core training (CT). It is not available for Trainees undertaking basic specialist training – usually year ST1 and 2 (and ST3 in Paediatrics, Emergency Medicine and Psychiatry). It is not available for LAT and FTSTA Trainees.
- iii. All applications to a Trust for overseas leave are approved on a 'grant' basis by a trainee's employing Trust. Being a grant, this does not refer to specific fees, travel, subsistence or any other expense, with or without receipts. Trainees can accept sponsorship. This may be from Trust or commercial sponsorship, and in that circumstance, the relevant Trust policy relating to inducements and sponsorship must be followed in every instance (see **Section 13**).

b) EMLETB guidelines for Trusts and programmes' approval of leave (not Study Leave) for Trainees to attend conferences abroad. In considering applications for overseas leave, **Section 12a)** must be consulted and the following policy must be adopted for Trainees:

- i. Always consider the frequency of attendance of any one individual at conferences; abroad or in the UK. Include reference to previous leave. The total number of applications received from one particular area/specialty for any particular study course/conference should also be considered.
- ii. Always consider the value of the proposed conference. It must be of sufficient benefit to the applicant and to the National Health Service to justify attendance abroad at National Health Service (Trust) expense.
- iii. The use of hospital funds and other sources of finance can be considered. It may be that the applicant will make a contribution to the total cost.
- iv. The applicant must be required by the Trust to state the amount of financial support from other sources that will be made available to him or her.
- v. The applicant should produce a report to the Specialty Education Committee following his/her visit overseas, if this is deemed to be of value.

13 Sponsorship and acceptance of gifts and hospitality

Applicants are asked to note that even where financial assistance is not being requested for CSL, it is still necessary to apply for Study Leave using the formal online process for application.

This is because this process ensures that the Study Leave is appropriate, that the Trust is aware of and has approved the leave and so that the time taken for the leave will count pro-rata against the trainee's Study Leave time allocation (see **Sections 7, 8, 9, 11, 12**). Staff should be aware of and adhere to their Trust's policy on the acceptance of hospitality; doing so may require the completion and submission of the appropriate form to the Trust.

14 Meetings at which Trainees present academic papers

It is accepted that Trainees should be encouraged to present papers at academic meetings. The decision as to whether this should be allowed against the Study Leave entitlement and funded from CSL resources will depend on whether or not the academic meeting concerned is judged by the Programme Director, School and the Director of Medical Education to contribute substantially to the trainee's outstanding mandatory curriculum needs (see **Sections 9, 12, 13**). As with all forms of CSL, to be considered for CSL, a proposal to attend an academic meeting must be prospectively documented in the trainee's approved PDP.

15 Funding for Higher Degrees that are not required for the CCT

- a) The CSL budget is generally not an appropriate source of funding for higher degrees and approval is not usually given. This is because higher degrees are not usually a documented mandatory requirement of a GMC approved Curriculum. When, exceptionally, a higher degree is a mandatory requirement for the CCT and thus applies to all Trainees in a programme, then Study Leave time and finance can be considered as a contribution to the necessary resources for this group of Trainees in EMLETB. In this exceptional circumstance, prospective approval by the EMLETB Secondary Care Dean is mandatory. A minimum of 12 months' notice to the Secondary Care Dean is also necessary.

In practice, to achieve this support for a programme, the degree's curriculum must closely match a considerable proportion of the appropriate mandatory curriculum being followed by the specialty Trainees in the programme. Further, it will be necessary for the programme to objectively demonstrate that the acquisition of these competencies is most efficiently achieved by providing resources for the programme's Trainees to undertake the degree, rather than to achieve the same outcome by providing resources in support of more traditional opportunities in-programme.

In the event that a higher degree does gain support from the Secondary Care Dean as part of a Programme's curriculum delivery, it should be noted that the resources available from the CSL process are highly

unlikely to be sufficient to fully fund a higher degree course. In this circumstance, it will therefore be necessary for Trainees in the programme to find other sources of financial support. This is likely to include part funding the degree themselves.

- b) Failure to deliver the above stringent requirements within 6 months of a degree's start date is likely to lead to an application for support being declined by EMLETB. As a result, failure to meet this timescale would form a reasonable basis for declining the application.

16 Generic Curriculum, including Management Development Programme

The EMLETB continues to develop delivery of the Generic Curriculum for Specialty Trainees and is aware that it is being embedded in all CCT curriculums. Its relationship to CSL funding and Study Leave time is under review.

The Common Competences Framework published by the Academy of Medical Royal Colleges is the guide the EMLETB will be using. The Leadership and Management modules will be delivered by the EMLETB; Schools are considering how to deliver the remaining domains.

17 Appeals Procedure

The following procedure applies to Study Leave approved by the CSL online application process.

- a) Applicants who wish to appeal against a decision relating to CSL should do so to the EMLETB CSL Board. The Board will review appeals on an individual basis. All appeals must be in writing and not sent by email.
- b) Doctors who wish to appeal should bear in mind that the approval of individual Study Leave applications is discretionary. Authorising bodies have the authority to turn down individual applications for Study Leave if it is felt that it is not in the interest of the doctor concerned or the NHS, or if maintenance of the employing Trust's clinical service would be significantly compromised by taking the leave on the proposed date.

This standard applies even when an application is made with the necessary notice. It is not mandatory that any particular element of curriculum delivery must be delivered through CSL on a particular date if the same mandatory opportunity can be delivered at a future date. However, with the correct notice and with the use of the correct procedure, Trainees must be released from clinical duties to receive mandatory curriculum delivery (as set out by their Specialty School and as defined in the GMC approved Curriculum) no later than the last opportunity available for them to do so. Therefore, Trainees must be released for mandatory CSL before the CCT or, when necessary, during a particular year of training, or in the case of Core Trainees, before the end of their CT contract.

Study leave cannot be refused by the employing Trust if, by doing so, refusal denies a trainee the opportunity for the same opportunity on a future date.

- c) Appellants, Schools and Trusts should note that an appeal against a Study Leave decision is purely a documentary process. The process does not include the opportunity to present information in person, either from the Trust, the Programme or the Trainee or the appellant's representative. The Appeal Panel will only consider written evidence, and then only when presented in a timely fashion.
- d) All appeals must therefore be in writing and the original submission must include comprehensive and detailed documentary evidence in support of the appeal. The written appeal documentation must also include specific details of the **basis** of the appeal.

The application must also include details of the appellant's attempts to resolve the matter prior to appeal. The necessary details of the appellant's prior attempt at resolution include the content of all related communication. Examples would be the dates and the content of email, phone and other correspondence designed to resolve the dispute between the appellant and the relevant Trust Postgraduate Medical Education Centre and between the appellant and EMLETB Head of Educator & School Development (address below).

Failure to make the basis for an appeal clear in the original letter of appeal is a legitimate basis for EMLETB to refuse to consider an appeal. An example that might lead to the refusal to hear an appeal might be the appellant failing to make reference to the substantive section(s) of this CSL Policy document that have allegedly not been correctly followed during the CSL approval process. Another would be an appellant's failure to present evidence of a prior attempt to resolve a dispute before taking the formal step of appeal.

- e) EMLETB recognises that granting leave for CSL is discretionary, for example when clinical service delivery would be significantly compromised even with reasonable amendments to service. Granting leave for CSL is not discretionary in the following circumstance. Leave must always be granted when the proposed CSL opportunity is mandatory, adequate notice has been given, the correct process has been followed and when the training opportunity cannot otherwise be made available to the trainee until after the date by which the opportunity must be delivered.

One example might be the circumstance in which the future alternate opportunity for CSL is after the end of a CT trainee's contract end-date. A second example might be the circumstance in which the next opportunity for a specific CSL opportunity is after an ST trainee's CCT date. A third example might be when a specific CSL opportunity must be delivered by the end of a specific year of training and postponement would deny a trainee the opportunity to complete the CSL by the end of that year of training.

- f) The only documentation that will be considered by the Appeal Panel is that submitted by the appellant in the original application plus that documentation requested by EMLETB (on behalf of the Appeal Panel) from the relevant Trust and/or the School and Programme plus any other documentation requested by the Appeal Panel. It is therefore in the best interests of the employer, the programme and of the appellant that the submitted documentation (including any explanations) is comprehensive, unambiguous, to the point and accompanied by a documented evidence base that makes reference to this CSL Study Leave Policy Document.
- i. Appeal applications must be postmarked to EMLETB (see address below) within fifteen working days of the relevant CSL opportunity being turned down.
 - ii. Appeals are considered by an Associate Postgraduate Dean, an EMLETB appointed Lay Representative, an uninvolved relevant Programme Director and an uninvolved Trust Director of Medical Education.
 - iii. If circumstances allow, the hearing, which will only consider documentary evidence, will be set within six working weeks of receipt of the appellant's letter of appeal. In exceptional circumstances, the Appeal Panel can convene by means of a 'virtual' panel.
 - iv. A decision will be given in writing within two working weeks of the Appeal Panel meeting.

Appeals to the EMLETB must be addressed in confidence to:

Head of Educator & School Development
Health Education East Midlands
1 Mere Way
Ruddington Fields Business Park
Ruddington
Nottingham NG11 6JS

The EMLETB wishes to thank the authors for developing this Policy Document on behalf of the EMLETB:

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