Further to your Freedom of Information Act request, please find the Trust's response, in blue bold text below:

**Request and Royal Devon and Exeter NHS Foundation Trust Response**

The Royal College of Surgeons of England would like to request the following information from your trust under the terms of the Freedom of Information Act.

How many junior doctors employed by your trust have chosen to opt out of the Working Time Regulations through provisions included in their contracts.

92 – This includes both training and Trust Doctors.

What percentage of junior doctors employed by your trust have chosen to opt out of the Working Time Regulations through provisions included in their contracts.

Total of 411 Junior Doctors (ie all doctors except Consultant/ Staff Grade/ Bank) = 22.5%

How many junior doctors in core surgical training employed by your trust have chosen to opt out of the Working Time Regulations through provisions included in their contracts.

The Trust does not specify CT or ST so is unable to break it down = 16 CT/ST1/2 doctors in the surgical areas.

What percentage of junior doctors in core surgical training employed by your trust have chosen to opt out of the Working Time Regulations through provisions included in their contracts.

Total ST/CT 1 or 2 doctors in Surgery is 22 = 73%.

How many junior doctors in surgical specialty training employed by your trust have chosen to opt out of the Working Time Regulations through provisions included in their contracts.

See above – the Trust is unable to provide information broken down to this level as it is not collected.

What percentage of junior doctors in surgical specialty training employed by your trust have chosen to opt out of the Working Time Regulations through provisions included in their contracts.

Please see answer to question 3.

Please note with regard to the data provided above, that the Trust has assumed Junior Doctors to mean both training and Trust doctors, not including staff grade doctors. The information regarding opt out numbers has been collected since August 2017 and the report was run on the 17th May 2018.

The Trust does not request that any Junior Doctor (Training or Trust) opts out of the Working Time Directive as a condition of their Contract of Employment with the RD&E.

There is no provision within the Contract of Employment that requires them to do this.
The Contract of Employment (a national template) does contain the following provision: –

‘The 2016 TCS, Schedule 3, outlines contractual limits on working hours and rest periods. While in this employment, you should not ordinarily undertake work outside of this contract. Where you do wish to undertake any such work as a locum, you must first offer your services to the NHS as set out in the paragraphs pertaining to locum work in Schedule 3 of the TCS’.

The below information is therefore based on Junior Doctors who have voluntarily undertaken work as a Locum.

To emphasise again that this is not a condition of their Contract of Employment with the Trust.