

BOARD OF DIRECTORS MEETING (Confidential)

Date: 30th April 2019

Item Ref:

10

TITLE OF PAPER	Guardian of Safe Working Report October 2018-March 2019
TO BE PRESENTED BY	Dr Mike Hunter, Executive Medical Director
ACTION REQUIRED	For the Trust Board of Directors to receive the Guardian of Safe Working Report covering October 2018 to March 2019

OUTCOME	For the Trust Board of Directors to be aware and assured that junior doctors in SHSC have working hours which comply with the EWTD and rota rules as prescribed by their work schedule are met
TIMETABLE FOR DECISION	May 2019 Board of Directors meeting
LINKS TO OTHER KEY REPORTS / DECISIONS	Previous Quarterly and Annual Reports
STRATEGIC AIM STRATEGIC OBJECTIVE BAF RISK NUMBER & DESCRIPTION	Strategic aim: People Strategic Objective: A2 02 – We will develop a strategic approach to enable workforce transformation BAF Risk Number: A202 - Failure to understand the Trust's future workforce requirements in addition to current capacity and financial constraints may compromise implementation of the Trust's Integrated Workforce Strategy
LINKS TO NHS CONSTITUTION & OTHER RELEVANT FRAMEWORKS, RISK, OUTCOMES ETC	Junior Doctor Contract Terms and Conditions 2016
IMPLICATIONS FOR SERVICE DELIVERY & FINANCIAL IMPACT	The role of the Guardian of Safe Working is to protect patients and doctors by making sure doctors do not work unsafe hours.
CONSIDERATION OF LEGAL ISSUES	Compliance with the European Working Time Directive and contractual requirements

Author of Report	Mike Atter/Jo Wilson
Designation	Guardian of Safe Working / Medical Education Manager
Date of Report	30/04/2019

SUMMARY REPORT

Report to: BOARD OF DIRECTORS / EDG

Subject: Guardian of Safe Working Report October 2018 – March 2019

Author: Mike Atter, Guardian of Safe Working

1. Purpose

<i>For Approval</i>	<i>For a collective decision</i>	<i>To report progress</i>	<i>To seek input from</i>	<i>For information</i>	<i>Other (please state below)</i>
				X	

2. Summary

This report, covering October 2018 to March 2019, by the Guardian of Safe Working (GOSW) is required by the Junior Doctor Contract (2016) Terms and Conditions. It reports on the number of exceptions reports raised and how they have been dealt with. It also reports on reasons for absence and the use of locums to staff the out of hours rota.

Seven exception reports were raised in relation to working hours and all were closed with a successful outcome. The report shows no issues in relation to working hours or the delivery of education.

3 Next Steps

The Medical Education Department and the GOSW will continue to monitor safe working with an hours monitoring exercise due in May 2019.

4 Required Actions

Presentation to Board.

5 Monitoring Arrangements

Monitoring is via exception reports on the Allocate electronic system and by the Guardian of Safe Working in the course of his duties. The Medical Education Department will continue to source, book and monitor locums.

6 Contact Details

For further information please contact:
 Mike Atter – Guardian of Safe Working
 Jo Wilson – Medical Education and Staffing Manager.

GUARDIAN OF SAFE WORKING REPORT ON SAFE WORKING HOURS

October 2018 - March 2019

Executive Summary

This review covers October 2018 to March 2019. There is a robust arrangement in place for staff to be able to report exceptions to their expected working pattern via the Allocate electronic reporting system. New staff are taught how to use the Allocate system and are introduced to the Guardian of Safe Working at induction. All exceptions processed between October 2018 and March 2019 have concluded satisfactorily. The frequency of the higher trainee on call remains at 1 in 10 with consultant support, and out of hours mental health act assessments have reduced during this period with a change to the way assessments are managed during working hours.

Introduction

The 2016 terms and conditions of service for doctors in training introduced a new role, the Guardian of Safe Working (GOSW), in all organizations that employ or host NHS training doctors. The responsibilities of the GOSW include being a champion for safe working hours, attending induction to explain the GOSW role to new doctors, to oversee safety relating to exception reports and monitor compliance, to escalate issues for actions when not addressed locally, to require work schedule reviews to be undertaken where necessary, to intervene to mitigate safety risks and to intervene where issues are not being resolved satisfactorily. The regulations allow for Trusts that breach safety standards to be fined and the GOSW distributes monies received as a result of fines for safety breaches (as directed by the trainees through the junior doctor's forum.) The GOSW should provide assurances to both the Trust Board of Directors and the doctors in training on safe working and compliance with terms and conditions. This requires regular reporting to the Trust Board of Directors and the Local Negotiating Committee, a written annual report to the Trust Board of Directors and a responsibility for providing information to external national bodies. There is also a requirement that the GOSW convenes junior doctor forums on a regular basis.

High level data

	No of doctors in training	No of doctors on new contract
Oct-18	44	39
Nov-18	44	39
Dec-18	44	39
Jan-19	44	39
Feb-19	44	39
Mar-19	44	39

- Amount of time available in job plan for GOSW to do the role: 0.5 PAs
- Admin support provided to the GOSW (if any): 0.25 PAs
- Amount of job-planned time for educational supervisors: 0.25 PAs

a) Exception reports (with regard to working hours)

	No of exceptions raised	No of exceptions closed	No of exceptions outstanding
Oct-18	0	0	0
Nov-18	0	0	0
Dec-18	1	0	1
Jan-18	0	1	0
Feb-18	1	1	0
Mar-18	5	5	0

Grade	Submission Date	Initial Review date	Total days Expired	Status
FY2	24/12/2018	09/01/2019	17	Complete
ST4	25/02/2019	05/04/2019	44	Complete
CT1- CT3	13/03/2019	17/04/2019	35	Complete
CT1- CT3	13/03/2019	17/04/2019	35	Complete
CT1- CT3	19/03/2019	17/04/2019	29	Complete
CT1- CT3	19/03/2019	17/04/2019	29	Complete
CT1- CT3	25/03/2019	17/04/2019	23	Complete

b) Work schedule reviews

No work schedule reviews have been undertaken.

c) Locum bookings

Month	Internal	Agency	Total Locum spend
Oct-18	£2,675.33	£10,400.00	£13,075.33
Nov-18	£549.29	£6,075.23	£6,624.52
Dec-18	£2,818.87	£13,245.20	£16,064.07
Jan-19	£2,623.38	£5,382.00	£8,005.38
Feb-19	£4,378.13	£7,982.00	£12,360.13
Mar-19	£2,610.09	£1,300.00	£3,910.09

Locum Bookings (Agency)				
Month	Shifts		Hours	
	Number Requested	Number Worked	Number Requested	Number Worked
Oct-18	16	16	200	200
Nov-18	10	10	116	116
Dec-18	22	21	245.5	242
Jan-19	9	9	94.5	94.5
Feb -19	13	13	153.5	153.5
Mar-19	3	3	37.5	37.5
Locum Bookings (Agency) by Grade - October				
Specialty	Shifts		Hours	
	Number Requested	Number Worked	Number Requested	Number Worked
FY/CT1-3	8	8	100	100
ST4+	8	8	100	100
Locum Bookings (Agency) by Grade - November				
Specialty	Shifts		Hours	
	Number Requested	Number Worked	Number Requested	Number Worked
FY/CT1-3	0	0	0	0
ST4+	10	10	116	116
Locum Bookings (Agency) by Grade - December				
Specialty	Shifts		Hours	
	Number Requested	Number Worked	Number Requested	Number Worked
FY/CT1-3	13	12	142	138.5
ST4+	9	9	103.5	103.5
Locum Bookings (Agency) by Grade - January				
Specialty	Shifts		Hours	
	Number Requested	Number Worked	Number Requested	Number Worked
FY/CT1-3	0	0	0	0
ST4+	9	9	94.5	94.5
Locum Bookings (Agency) by Grade - February				
Specialty	Shifts		Hours	
	Number Requested	Number Worked	Number Requested	Number Worked
FY/CT1-3	8	8	100	100
ST4+	5	5	53.5	53.5
Locum Bookings (Agency) by Grade - March				
Specialty	Shifts		Hours	
	Number Requested	Number Worked	Number Requested	Number Worked
FY/CT1-3	3	3	37.5	37.5
ST4+	0	0	0	0

Locum Bookings (Agency) by Reason - October				
Reason	Shifts		Hours	
	Number	Number Worked	Number	Number Worked
Vacancy	0	0	0	0
Sickness	13	13	162.5	162.5
Other	3	3	37.5	37.5
Locum Bookings (Agency) by Reason – November				
Reason	Shifts		Hours	
	Number	Number Worked	Number	Number Worked
Vacancy	2	2	16	16
Sickness	8	8	100	100
Other	0	0	0	0
Locum Bookings (Agency) by Reason – December				
Reason	Shifts		Hours	
	Number	Number Worked	Number	Number Worked
Vacancy	9	9	110	110
Sickness	4	4	41	41
Other	8	8	91	91
Locum Bookings (Agency) by Reason - January				
Reason	Shifts		Hours	
	Number	Number Worked	Number	Number Worked
Vacancy	0	0	0	0
Sickness	6	6	57	57
Other	3	3	37.5	37.5
Locum Bookings (Agency) by Reason - February				
Reason	Shifts		Hours	
	Number	Number Worked	Number	Number Worked
Vacancy	2	2	25	25
Sickness	6	6	75	75
Other	5	5	53.5	53.5
Locum Bookings (Agency) by Reason - March				
Reason	Shifts		Hours	
	Number	Number Worked	Number	Number Worked
Vacancy	3	3	37.5	37.5
Sickness	0	0	0	0
Other	0	0	0	0

(Other includes: doctor on an 'Act Up', pregnancy, induction, visa delays, adoption leave, compassionate leave & wedding)

Locum Work by Trainees

Month	Grade	Number of shifts worked	Number of hours worked	Number of hours rostered per week	Actual hours worked per week	Opted out of WTR?
Oct-18	CPT	2	25	24	49	No
Oct-18	CPT	1	3.5	40	43.5	No
Oct-18	CPT	2	25	40	65	No
Oct-18	CP	1	3.5	40	43.5	No
Oct-18	SPR	1	3.5	40	43.5	No
Oct-18	Cons	1	3.5	24	27.5	No
Oct-18	SPR	1	3.5	40	43.5	No
Nov-18	CPT	1	3.5	24	27.5	No
Nov-18	CPT	1	3.5	40	43.5	No
Nov-18	CPT	1	3.5	40	43.5	No
Nov-18	SPR	1	3.5	40	43.5	Yes
Dec-18	SPR	1	3.5	40	43.5	No
Dec-18	CPT	1	3.5	40	43.5	No
Dec-18	CPT	2	25	40	65	No
Dec-18	SPR	1	3.5	40	43.5	Yes
Dec-18	CPT	1	3.5	40	43.5	No
Dec-18	CTP	1	3.5	40	43.5	No
Dec-18	CTP	1	12.5	24	36.5	No
Dec-18	CPT	1	2	40	42	No
Dec-18	SPR	1	3.5	40	43.5	Yes
Dec-18	SPR	1	3.5	40	43.5	Yes
Dec-18	SPR	1	3.5	40	43.5	Yes
Dec-18	Con	1	3.5	40	43.5	No

Locum Work by Trainees

Month	Grade	Number of shifts worked	Number of hours worked	Number of hours rostered per week	Actual hours worked per week	Opted out of WTR?
Jan -19	CPT	2	9	40	49	No
Jan -19	CPT	2	7	40	47	No
Jan -19	CPT	1	3.5	40	43.5	No
Jan -19	SPR	2	9	40	49	Yes
Jan -19	CPT	1	3.5	40	43.5	No
Jan -19	SPR	1	3.5	40	43.5	No
Jan -19	Cons	1	3.5	40	43.5	No
Feb -19	Cons	1	3.5	40	43.5	No
Feb -19	CPT	1	12.5	24	36.5	No
Feb -19	CPT	2	9	40	49	Yes
Feb -19	CPT	1	4.5	40	44.5	No
Feb -19	CPT	2	9	40	49	Yes
Feb -19	CTP	1	3.5	40	43.5	No
Feb -19	SPR	1	12.5	40	52.5	Yes
Feb -19	SPR	1	4.5	40	44.5	Yes
Feb -19	CPT	1	4.5	40	44.5	No
Mar-19	SPR	3	13.5	40	53.5	Yes
Mar-19	CPT	2	9	40	49	No
Mar-19	CTP	1	4.5	40	44.5	No
Mar-19	SPR	1	4.5	40	44.5	No
Mar-19	SPR	2	9	40	49	Yes
Mar-19	SPR	1	4.5	40	44.5	No

The rotas are not currently fully staffed due to long term sickness and late notice LTFT agreements. Locums are sourced for these gaps and also used for unpredicted changes such as short notice sickness, doctors 'Acting Up' & maternity.

d) Fines

No Fines have been levied.

Qualitative information

The Trust started using the Allocate electronic system for rota design, which enables exception reporting, in August 2017. The Trust offers all trainees the opportunity to exception report, including those on the old contract, but resolution in terms of time owing in lieu or payment is only open to those on the new contract. This is to provide a fuller summary of the current working conditions.

Seven reports were received relating to trainees working above the 50% average time when on call. One report related to the need to complete a legal report at short notice and one report arose from staying one hour to complete a joint assessment of a new patient. In both cases the trainees were compensated with overtime payments. The circumstances related to the court report exception were reviewed and this does not appear to be a systemic issue. Other cases arose from general duties and the trainees concerned have been given support around time management where appropriate.

Under the old contract, trainees were paid a basic salary and banding (a percentage of their salary as a supplement for OOH work). The percentage was determined by hours monitoring – conducted over two-week periods twice a year – this was a contractual requirement.

Under the new contract, there are five elements of the salary (one being the basic salary and the rest based on the OOH rota) – the new contract requires employers to have rota design software (the Allocate system, mentioned above) which calculates all these elements and thereby what trainees are paid. One element called 'additional hours' needs to be determined as trainees should be paid for the hours they work in a typical period, rather than every hour they are rostered to work.

Based on previous hours monitoring exercises, SHSC calculated that, on average over a 26 week rota, trainees work 50% (actual hours) of the time they are expected to be on call (duty hours). This takes account of busy shifts and less busy shifts.

The new contract does not require employers to conduct hours monitoring exercises anymore – the mechanism used is exception reporting to the GoSW. Exception reporting seems to work well for day duties – eg when a trainee works beyond 5pm. SHSC has decided to continue hours monitoring at present to ensure the 50% actual hours on call remains accurate.

Exceptions are reported for working over 50% of duty hours, as was the case in seven reports between October – March 2018/19. These rules apply:

1. Trainees are required to report all exceptions.
2. A calculation is made of working on average (as we currently pay for 50% on average over a 26 week rota.)
3. Trainees do not report the OOH shifts where his actual work is less than 50%.
4. We do not normally pay or give time off in lieu for general duties as the average percentage applies to all staff on the out of hours rota.

A hours monitoring exercise was held in November 2018 which showed the average time working during on call shifts remained at 50%.

A further hours monitoring exercise is planned for two weeks in May 2019 to ensure that the average amount of work done out of hours remains at 50%.

The last Junior Doctor Forum was held on 1st November 2018. The one scheduled for 1st February 2019 was cancelled due to sickness. A further JDF has been arranged for May 2019 and will discuss Q3 18/19 and Q4 18/19 matters.

Actions taken to resolve issues

Locum support is being sourced to ensure adequate staffing, to allow trainee doctors to work their agreed hours and support their work scheduled activities.

Summary

During this period of time, the awareness of the exception reporting procedures continues to become well known to trainees via presentations at induction. There are no issues of concern requiring reporting to the Trust Board of Directors.