

BOARD OF DIRECTORS MEETING (Open)

Date: 13th November 2019

Item Ref:

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TITLE OF PAPER	Guardian of Safe Working Quarterly Report - Quarter 2 (July, August, September)
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 July 2019 to September 2019

OUTCOME	For Board 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	November 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	22/10/2019

SUMMARY REPORT

Report to: BOARD OF DIRECTORS /EDG

Subject: Guardian of Safe Working Quarterly Report (July, August, September 2019)

Author: Dr 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 quarterly report (July to September 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.

The report shows no issues of concern relating to working hours or the delivery of education.

Five exception reports were received in this period.

One exception report received during this period was related to staying an hour later to complete a joint assessment of a new patient. The supervisor decided an outcome of overtime payment as time off in lieu because this would avoid unnecessary pressure on ward staff.

The remaining reports have been related to times when trainees have worked more than the 50% of the time for which they are compensated.

3 Next Steps

The Medical Education Department and the GoSW will continue to monitor safe working.

4 Required Actions

Presentation to Board of Directors

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 and Staffing

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



QUARTERLY REPORT ON SAFE WORKING HOURS

July, Aug, Sept 2019



Executive Summary

This quarterly review covers July to September 2019. There is a robust arrangement for current and new staff to be made aware of the process of exception reporting. All exceptions processed in this quarter met a satisfactory conclusion. The frequency of the higher trainee on call remains at 1 in 10 with consultant support, and the out of hours mental health act assessments may reduce with a change to the way assessments are managed during working hours. The intensity of the foundation doctor's work out of hours has been questioned, with some trainees suggesting they work more than the 50% for which they are paid. As exception reports alone do not capture the detail of the on call intensity necessary to establish whether this is the case, an hours monitoring will be carried out in November 2019.

The last Junior Doctor Forum was held on 8th October 2019.

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 also distributes monies received as a result of fines for safety breaches (as directed by the trainees through the Junior Doctors' 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 the requirement for the GOSW to convene Junior Doctors' Forums on a regular basis.

High level data

	No of doctors in training	No of doctors on new contract
July-19	44	42
Aug-19	44	42
Sept- 19	44	42

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

a) Exception reports (with regard to working hours)

	No of exceptions raised	No of exceptions closed	No of exceptions outstanding
July-19	1	1	0
Aug-19	2	2	0
Sept- 19	2	2	0

b) Work schedule reviews

No Work Schedule Reviews have currently been undertaken.

c) Locum bookings

Month	Internal	Agency	Total Locum spend
July- 19	£1,147.79	£ 7,744.50	£8892.29
Aug- 19	£3,929.95	£2,132	£6061.95
Sept- 19	£123.31	0	£123.31

Locum Bookings (Agency)				
Month	Shifts		Hours	
	Number Requested	Number Worked	Number Requested	Number Worked
July- 19	12	12	150	150
Aug- 19	4	4	41	41
Sept- 19	0	0	0	0
Locum Bookings (Agency) by Grade - July				
Specialty	Shifts		Hours	
	Number Requested	Number Worked	Number Requested	Number Worked
FY/CT1-3	7	7	87.5	87.5
ST4+	5	5	62.5	62.5
Locum Bookings (Agency) by Grade - August				
Specialty	Shifts		Hours	
	Number Requested	Number Worked	Number Requested	Number Worked
FY/CT1-3	3	3	28.5	28.5
ST4+	1	1	12.5	12.5
Locum Bookings (Agency) by Grade - September				
Specialty	Shifts		Hours	
	Number Requested	Number Worked	Number Requested	Number Worked
FY/CT1-3	0	0	0	0
ST4+	0	0	0	0

Locum Bookings (Agency) by Reason - July				
Reason	Shifts		Hours	
	Number Requested	Number Worked	Number Requested	Number Worked
Vacancy	4	4	50	50
Sickness	8	8	100	100
Other	0	0	0	0
Locum Bookings (Agency) by Reason - August				
Reason	Shifts		Hours	
	Number Requested	Number Worked	Number Requested	Number Worked
Vacancy	0	0	0	0
Sickness	0	0	0	0
Other	4	4	41	41
Locum Bookings (Agency) by Reason - September				
Reason	Shifts		Hours	
	Number Requested	Number Worked	Number Requested	Number Worked
Vacancy	0	0	0	0
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?
Jul-19	CPT	1	12.5	40	52.5	No
Jul-19	CPT	1	4.5	40	44.5	No
Jul-19	CPT	1	4.5	40	44.5	No
Jul-19	SPR	1	3.5	40	43.5	Yes
Jul-19	SPR	1	4.5	40	44.5	Yes
Aug-19	SPR	1	4.5	40	44.5	Yes
Aug-19	CPT	2	25	40	65	No
Aug-19	CPT	2	9	40	49	No
Aug-19	CPT	3	21.5	40	61.5	Yes
Aug-19	SPR	1	4.5	40	44.5	No
Aug-19	CPT	1	4.5	40	44.5	No
Sept- 19	CPT	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/paternity/adoption leave.

d) Fines

No Fines have been levied.

Qualitative information

The Trust started using the Allocate exception reporting software in August 2017 and new trainees are given training in exception reporting and are introduced to the system in induction. The Trust has also offers the opportunity of exception reporting to trainees on the old contract but the outcomes such as terms of time owing in lieu or payment are not open to them. This decision was taken in order to establish a clear view of the current working conditions.

One exception report received during this period was related to staying an hour later to complete a joint assessment of a new patient. The supervisor decided an outcome of overtime payment as time off in lieu may place unnecessary pressure on ward staff.

The remaining reports have been related to times when trainees have worked more than the 50% of the time for which they are paid.

An hours monitoring exercise was held in July 2019. The results were not valid as the 75% return rate was not achieved by intermediate trainees. Intermediate return rate was 54%. However higher trainees met the 75% return rate. Although not valid, the collated results received showed higher trainees worked 39%, whilst intermediates worked 69% on average over the two week period for their on-calls. There was a pattern showing intermediate trainees not having the required breaks. At the Junior Doctors' Forum, the Trust confirmed the intention to pay the correct average percentage for the hours worked, however a valid hours monitoring exercise is needed to justify this.

A hours monitoring exercise has been agreed for November, around a period with fewer locums on call. If this is not valid, the monitoring will be repeated in one year.

There have also been discussions at the Junior Doctors' Forum around spending the money awarded by the DHSE under the fatigue and facilities funding. The Medical Education and Staffing Department will visit trainees at sites to gain a clear understanding of what each site requires.

Summary

During this period of time, the awareness of the exception reporting procedures continue to be well understood by trainees via presentations at induction. The exception reporting process has highlighted issues with the compensation of the non resident on call system and hours monitoring and the monitoring system will ensure that trainees are compensated appropriately.