

| | | | |
|--|--|-------------------|---|
| Meeting Title: | Workforce and Education Committee | | |
| Date: | 12/04/2018 | Agenda No | |
| Report Title: | Guardian of Safe Working Consolidated Annual Report 2017/18 | | |
| Lead Director/ Manager: | Professor Andrew Rhodes | | |
| Report Author: | Dr Sunil Dasan, Guardian of Safe Working | | |
| Freedom of Information Act (FOIA) Status: | Unrestricted Restricted | | |
| Presented for: | Approval Update | Decision Steer | Ratification Review Assurance Discussion Action |
| Executive Summary: | <p>This paper summarises progress to the year ending 31 March 2018 in providing assurance that doctors are safely rostered and enabled to work hours that are safe</p> <p>A total of 703 exceptions were reported in 2017/18 of which five were highlighted as immediate safety concerns.</p> <p>Fines totalling £16,964.94 were levied mainly for breaches of the 48 hour average working week limit by Foundation Year 1 doctors in General Surgery</p> <p>Work schedule reviews took place for 13 doctors across four specialties. 12 of these were resolved at the Level 1 stage with either compensation or work schedule changes agreed. One work schedule review progressed to a Level 2 review which led to organisational changes being made.</p> <p>The latest information indicates that there are 69 ST1-2, ST3+ and Clinical Fellow /Trust Doctor vacancies at St George's.</p> | | |
| Recommendation: | <p>The Trust Board is asked to publish details of the guardian fines in the Trust's annual accounts</p> <p>The Trust Board is also asked to include information on rota gaps and the plan for improvement to reduce these gaps in the Trust's Quality Account</p> | | |
| Supports | | | |
| Trust Strategic Objective: | Ensure the Trust has an unwavering focus on all measures of quality and safety, and patient experience. | | |
| CQC Theme: | Safe | | |
| Single Oversight Framework Theme: | Quality of Care | | |
| Implications | | | |
| Risk: | Lack of robust information on rota gaps risks the Trust being unable to publish this information in the Trust's Quality Account | | |
| Legal/Regulatory: | Compliance with the Terms and Conditions of Service for NHS Doctors and Dentists in Training (England) 2016 | | |
| Resources: | Electronic system for reporting information on rota gaps | | |
| Previously Considered by: | None | Date | 09/04//2018 |
| Equality Impact Assessment: | N/A | | |
| Appendices: | One (A) | | |

Guardian of Safe Working Consolidated Annual Report 2017/18
Workforce and Education Committee 12/04/2018**1.0 PURPOSE**

- 1.1 This paper provides assurance to the Board on the progress being made to ensure that doctors' working hours are safe for the year ending 31 March 2018
- 1.2 This report asks the board to report information on rota gaps and the plan for improvement to reduce these gaps in a statement in the Trust's Quality Account and publish details of the Guardian fines in the Trust's annual accounts

2.0 BACKGROUND

- 2.1 The 2016 Terms and Conditions of Service for Doctors in Training (TCS) have been implemented at St George's in line with the national timeline. During 2017/18, all doctors in training at St George's transferred onto these TCS. This included all GP trainees across South London for whom St George's is the Lead Employer.

- 2.2 The 2016 TCS clearly state the following:

"A consolidated annual report on rota gaps and the plan for improvement to reduce these gaps shall be included in a statement in the Trust's Quality Account, which must be signed off by the trust chief executive."

The 2016 TCS also state:

"The details of the guardian fines will be published in the organisation's annual financial report (accounts), which are subject to independent audit. The guardian's annual report will include clear detail on how the money has been spent"

- 2.3 The Guardian of Safe Working's consolidated annual report gives a summary of progress with implementation of the TCS, information on rota gaps and details on fines that have been levied and how these have been spent

3.0 ANALYSIS

- 3.1 A total of 703 workload or training related exceptions were reported by trainees in 2017/18. The breakdown is shown in Appendix A.
- 3.2 Five were highlighted as immediate safety concerns. These were addressed immediately by Consultant supervisors and assurance provided that no patients came to harm.
- 3.2 The majority of exceptions were reported due to doctors working over and above their hours (663). Almost half of these were reported by Foundation Year 1 doctors in General Surgery for the need to stay beyond their contracted hours due to workload (321).
- 3.3 Nearly 80 exceptions were reported by trainees in Gastroenterology primarily due to the workload issues related to additional patients on outlying wards
- 3.4 A similar number of exceptions were reported in ENT due to rota gaps and staffing shortages

- 3.5 A total of £16,964.94 in fines were levied. 14 fines were levied due to breaches of the 48 hour average working week limit with two levied due to breaches of the 72 hour working week limit. The majority of these fines were levied due to limits being breached by Foundation Year 1 doctors in General Surgery. A breakdown of fines is shown in Table 1.
- 3.6 To date none of the fine monies have been spent. The balance to the Guardian of £9,199.15 is currently being considered by the St George's Junior Doctor Forum. Plans are in place for these monies to be spent during 2018/19

Table 1: Breakdown of fines levied for working hours breaches in 2017 /18

| Date of fine | Specialty | Grade | Working hours breach | Total fine | Balance to Guardian |
|--------------|-----------------------|-------|----------------------|-------------------|---------------------|
| 04/10/2017 | General Surgery | FY1 | 48 | 1,825.04 | 989.56 |
| 09/10/2017 | General Surgery | FY1 | 48 | 548.79 | 297.56 |
| 09/10/2017 | Senior Health | FY1 | 48 | 140.39 | 76.12 |
| 06/12/2017 | General Surgery | FY1 | 48 | 497.74 | 269.88 |
| 06/12/2017 | General Surgery | FY1 | 48 | 242.49 | 131.48 |
| 06/12/2017 | General Surgery | FY1 | 48 | 1,008.24 | 546.68 |
| 06/12/2017 | General Surgery | FY1 | 48 | 727.46 | 394.44 |
| 06/12/2017 | General Surgery | FY1 | 48 | 2,705.65 | 1,467.04 |
| 06/12/2017 | General Surgery | FY1 | 48 | 1,518.74 | 823.48 |
| 06/12/2017 | Gastroenterology | FY2 | 48 | 738.63 | 400.50 |
| 03/01/2018 | General Surgery | FY1 | 72 | 574.31 | 311.40 |
| 07/02/2018 | Renal Transplantation | CT2 | 48 | 1,171.50 | 635.50 |
| 22/02/2018 | General Surgery | FY1 | 48 | 2,616.31 | 1,418.60 |
| 22/02/2018 | General Surgery | FY1 | 48 | 1,391.11 | 754.28 |
| 22/02/2018 | General Surgery | FY1 | 72 | 436.74 | 236.83 |
| 26/03/2018 | ENT | ST1 | 48 | 821.80 | 445.80 |
| | | | TOTAL | £16,964.94 | £9,199.15 |

- 3.7 Work schedule reviews have taken place in 4 specialties. Outcomes are shown below in Table 2.

Table 2: Outcomes of work schedule reviews in 2017 /18

| Date | Specialty | Grade | Level of review | Outcome |
|------------|------------------|-------|-----------------|---|
| 21/08/2017 | ENT | FY2 | 1 | Work schedule review |
| 22/08/2017 | Gastroenterology | FY1 | 1 | Compensation and Organisational changes |
| 22/08/2017 | Gastroenterology | FY1 | 1 | Compensation and Organisational changes |
| 22/08/2017 | Gastroenterology | FY2 | 1 | Compensation and Organisational changes |
| 22/08/2017 | Gastroenterology | CT3 | 1 | Compensation and Organisational changes |
| 26/09/2017 | General Surgery | FY1 | 1 | Compensation |
| 15/01/2018 | General Surgery | FY1 | 1 | Organisational changes |

| | | | | |
|------------|-----------------------|-----|---|---|
| 15/01/2018 | General Surgery | FY1 | 1 | Organisational changes |
| 15/01/2018 | ENT | FY2 | 1 | Compensation |
| 15/01/2018 | ENT | CT1 | 1 | Compensation |
| 15/01/2018 | ENT | ST1 | 1 | Compensation |
| 15/01/2018 | ENT | ST1 | 2 | Compensation and Organisational changes |
| 15/01/2018 | Renal Transplantation | CT2 | 1 | Prospective changes to Work Schedule |

3.8 Current data from medical staffing indicates that at the end of Quarter 4 there were 69 ST1-2, ST3+ and Clinical Fellow /Trust Doctor vacancies at St George's. This compares with 100 at the end of Q3 and 60 at the end of Q2. No data was available for Q1. No information has been available on unfilled shifts at St George's since the implementation of the 2016 TCS.

4.0 IMPLICATIONS

Risks

4.1 Lack of robust information on unfilled shifts risks the Trust being unable to publish rota gap information in its Quality Account

Legal Regulatory

4.2 Terms and Conditions of Service for NHS Doctors and Dentists in Training (England) 2016

Resources

4.3 Implementation of an electronic system for collecting and reporting information on rota gaps is required

5.0 NEXT STEPS

5.1 Implementation timeline for an electronic system to collect robust information on rota gaps to be considered by the Trust

5.2 Junior Doctor's Forum to consider plans for disbursement of fine monies

5.3 Guardian of Safe Working to continue to report on exceptions, fines and work schedule reviews in General Surgery and ENT

6.0 RECOMMENDATION

6.1 The Trust Board is asked to include information on rota gaps and the plan for improvement to reduce these gaps in the Trust's Quality Account

6.2 The Trust Board is also asked to publish details of the Guardian fines in the Trust's annual accounts

Author: Dr Sunil Dasan
Date: 09/04/2018