

Meeting Title:	Workforce and Education Committee		
Date:	31/01/2017	Agenda No	
Report Title:	Guardian of Safe Working Report		
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 Decision Ratification Assurance Discussion Update Steer Review Other (specify)		
Executive Summary:	<p>This paper summarises progress in providing assurance that doctors are safely rostered and enabled to work hours that are safe and in compliance with Schedules 3, 4 and 5 of the Terms and Conditions of Service for NHS Doctors and Dentists in Training (England) 2016</p> <p>As of 17/01/2016:</p> <ul style="list-style-type: none"> • 115 Exception episodes have been reported • 4 work schedule reviews have been requested • 1 fine has been levied 		
Recommendation:	The Trust Board is asked to receive and note the Guardian of Safe Working's report and act to prevent any further working time breaches		
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:	<p>Failure to ensure doctors are safely rostered and enabled to work hours that are safe risks patient safety and the safety of the doctor.</p> <p>Failure to ensure doctors are safely rostered and enabled to work hours that are safe risks overtime payments and fines being levied</p>		
Legal/Regulatory:	Compliance with the Terms and Conditions of Service for NHS Doctors and Dentists in Training (England) 2016		
Resources:	<p>Funding for overtime payments, fines and service changes arising from work schedule reviews</p> <p>Additional PA allocation in consultant job plans for time taken to personalise work schedules, resolve exception reports and perform work schedule reviews</p> <p>Administrative support for the role of guardian</p>		
Previously Considered by:	None	Date	19/01/2017
Equality Impact Assessment:	N/A		
Appendices:	None		

Guardian of Safe Working Report
Workforce and Education Committee 31/01/2017

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 and to highlight all fines and work schedule reviews relating to safe working hours.

1.2 This report also includes information on all rota gaps on all shifts

2.0 BACKGROUND

2.1 The Guardian of Safe Working is a senior appointment made jointly by the Trust and junior doctors, who ensures that issues of compliance with safe working hours are addressed by the doctor and/or Trust and provides assurance to the Board that doctors' working hours are safe.

2.2 As the Trust is the Lead Employer Organisation for General Practice training across South London the guardian will receive reports for all of the doctors under its employment from guardians in host organisations.

2.3 The guardian reports to the Board through the Workforce and Education Committee of the Board, as follows:

- i. The Workforce and Education Committee will receive a *Guardian of Safe Working Report* no less than once per quarter on all work schedule reviews relating to safe working hours. This report will also include data on all rota gaps on all shifts. The report will also be provided to the LNC.
- ii. A consolidated annual report on rota gaps and the plan for improvement to reduce these gaps will be included in a statement in the Trust's Quality Account, which must be signed off by the Trust chief executive. This report will also be provided to the LNC.
- iii. Where the guardian has escalated issues in relation to working hours, raised in exception reports, to the relevant executive director, for decision and action, and where these have not been addressed at departmental level and the issue remains unresolved, the guardian will submit an exceptional report to the next meeting of the Board.
- iv. The Board is responsible for providing annual reports to external bodies, including Health Education South London, Care Quality Commission, General Medical Council and General Dental Council.

2.4 There may be circumstances where the guardian identifies that certain posts have issues that cannot be remedied locally, and require a system-wide solution. Where such issues are identified, the guardian will inform the Board. The Board will raise the system-wide issue with partner organisations (e.g. Health Education England, NHS England, NHS Improvement) to find a solution.

2.5 The guardian is accountable to the Board. Where there are concerns regarding the performance of the guardian, the BMA or other recognised trade union, or the Junior Doctors Forum will raise those concerns with the Trust Medical Director. These concerns can be escalated to the senior independent director on the Board where they are not properly addressed or resolved. The Senior Independent director is a Non-executive director appointed by the Board to whom concerns regarding the performance of the guardian of safe working hours can be escalated where they are not properly resolved through the usual channels.

3.0 ANALYSIS

3.1 115 exception episodes have been reported in the period 5 October 2016 – 17 January 2017 by the 50 trainees (8 ST3+ O&G and 42 Foundation Year 1 trainees) on the Terms and Conditions of Service for NHS Doctors and Dentists in Training (England) 2016

3.2 These have highlighted FY1 doctors working shifts exceeding the maximum permitted 13 hours within General Surgery & Acute Medicine and doctors regularly working hours in excess of their work schedules in these and other specialties - Trauma & Orthopaedics and Senior Health.

3.3 Work schedule reviews have been formally requested in four specialties (listed above) and a fine has been levied in response to a Foundation Year 1 doctor working in excess of 72 hours over a 7 day period in General Surgery in December 2016. Further fines may be levied in the near future in Acute Medicine and Senior Health if urgent action is not taken to ensure working hours remain below an average of 48 hours per week during the course of the current rota cycle

3.4 The summary of all exceptions reported to date is included in Appendix A

3.5 Data on all rota gaps on all shifts is not currently available. A new monitoring process will be required to collect this data. A list of current vacancies are shown in Appendix B. There are 40 in total - 14 Trust vacancies and 36 GP trainee vacancies across South London

4.0 IMPLICATIONS

Risks

4.1 Doctors have exceeded safe working limits in General Surgery and Acute Medicine which risks patient safety and the safety of doctors. This may continue (with the risk of future fines) if service or organisational changes are not made to reduce doctors shift lengths

4.2 Doctors are regularly working outside of work schedules in General Surgery, Acute Medicine, Trauma & Orthopaedics and Senior Health. Time off in lieu and/or overtime payments will be required unless service changes are made to reduce doctors working hours. Of particular concern are the additional hours being worked in Acute Medicine and Senior Health - urgent action is required to prevent fines being levied in the forthcoming weeks due to breaches of the 48 hour average working week limit.

Legal Regulatory

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

Resources

4.4 Funding for overtime payments represents a cost pressure. Following work schedule reviews, additional staff may be required to bring doctors working hours into safe limits and to bring their hours into line with their work schedules. If actual working hours cannot be brought into line with work schedules, then basic pay for staff may need to increase. This represents a further cost pressure. Lastly, fines may be levied if unsafe working practices continue

4.5 Educational supervisors previously had 0.25 PA allocated in their job plans per trainee. Personalising work schedules, resolving exception reports and performing work schedule reviews are additional tasks for educational and clinical supervisors which will need further consideration in their job plan reviews. Currently approximately 50% of exception reports have breached the 7 day timescale for resolution by supervisors

4.6 Administrative support for the role of guardian is required. At present there is a vacancy. This post needs to be re-banded (see Appendix C).

5.0 NEXT STEPS

- 5.1 To receive the outcomes of the 4 ongoing work schedule reviews
- 5.2 To commence data collection on rota gaps for all shifts and to present data in next quarterly report
- 5.2 To finalise the job description /person specification for administrative support to the guardian

6.0 RECOMMENDATION

- 6.1 The Board are asked to note this report and consider the costs associated with overtime payments and fines and the potential future costs and service changes associated with the outcomes of the work schedule reviews
- 6.2 The Board are asked to consider the issue of rota gaps due to medical vacancies and strategies to address these ahead of the guardian's next report in April 2017
- 6.3 The Board are asked to consider the additional activities for educational and clinical supervisors and the impact on the current round of consultant job planning

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Date: 19/01/2017

APPENDIX A

Summary of exception reports by specialty
5 October 2016 – 17 January 2017

General Surgery (Upper & Lower GI surgery, excluding Transplant surgery)

- i. In total there have been 49 exception episodes reported where 6 FY1s have worked outside of their work schedules in General Surgery
- ii. Each FY1 has worked between almost 12 and 20 hours extra over the last six weeks
- iii. This has been made up of additional hours worked completing ward work on standard days, with FY1s regularly starting work 15 to 60 minutes before their start time of 8am on 30 occasions
- iv. Of concern are the extra hours being worked on call which increased shift lengths over the permitted 13 hour maximum on 6 occasions, the longest shift worked being 15 ½ hours
- v. A fine has been levied on the department of General Surgery due to a single working week for one FY1 doctor exceeding the absolute maximum of 72 hours - On this occasion 76 hours and 20 minutes were worked. This incurred a fine of £247.05

General Medicine (Acute Medicine, Senior Health, Gastroenterology, Respiratory Medicine).

- i. In total there have been 46 exception episodes across General Medicine affecting 11 FY1 trainees:

Acute Medicine

- i. In total there have been 13 exception episodes reported where 5 FY1s have worked outside of their work schedules in Acute Medicine
- ii. 4 relate to late finishes affecting 3 FY1s following the medical on-call. On all occasions, this has increased shift lengths over the maximum permitted 13 hours with the longest shift of 15 hours
- iii. 9 relate to early starts or late finishes in Acute Medicine (affecting FY1s either based solely in Acute Medicine or those in other base specialties who only work in Acute Medicine on selected days)
- iv. These doctors have worked between 3 and 10 hours outside of their work schedules on rotas which are already very close to the 48 hour maximum average working week.
- v. If this continues, these breaches are likely to attract fines levied on the department
- vi. A work schedule review has been requested in Acute Medicine

Senior Health

- i. 21 exception episodes relate to late finishes in Senior Health affecting 4 FY1s
- ii. These doctors have worked between 2 and 10 hours outside of their work schedules on rotas which are already very close to the 48 hour maximum average working week.
- iii. If this continues, these breaches are likely to attract fines levied on the department
- iv. A work schedule review has been requested in Senior Health

Gastroenterology

- i. 6 exception reports relate to Gastroenterology affecting 2 FY1 trainees
- ii. No work schedules reviews have been requested

Respiratory Medicine

- i. 6 exception reports relate to Respiratory Medicine affecting 2 FY1 trainees
- ii. No work schedules reviews have been requested

Trauma & Orthopaedics

- i. There have been 15 exception episodes in Trauma and Orthopaedics affecting 1 FY1 trainee
- ii. The majority have been due to early starts of 30 minutes before their scheduled start time of 8am on 13 occasions.
- iii. A total of 8 hours and 45 minutes have been worked outside the work schedule.

iv. A work schedule review has been requested in Trauma & Orthopaedics

Obstetrics & Gynaecology

- i. There have been 4 exception episodes reported affecting 2 Obstetrics & Gynaecology ST3+ trainees
- ii. 3 relate to late finishes totalling 4 hours and 1 relates to a doctor not being able to take breaks
- iii. No work schedule reviews have been requested
- iv. There is a concern that O&G trainees are reluctant to report – the causes for this are unclear and are still being investigated

Psychiatry

- i. There has been 1 exception episode reported affecting 1 FY1 trainee
- ii. This related to a late finish of 1 hour 45 minutes
- iii. No work schedule reviews have been requested

APPENDIX B

Current Medical Vacancies (as of 16/01/2017)

Specialty	Grade	Number of Vacancies
Anaesthetics	ST3+	3
Obstetrics & Gynaecology	ST1/2	1
Paediatrics	ST3+	1 (has been appointed to)
Emergency Medicine	ST1/2	1
Acute Medicine	ST3+	1
Diabetes & Endocrinology	ST3+	1 (currently at shortlisting stage)
Renal Medicine	ST3+	1 (has been appointed to)
Renal Transplant	ST1/2	1 (interview 31/01/17)
Renal Transplant	ST3+	1 (interview 31/01/17)
Vascular	CF ST3+	1
Vascular	CF ST3+	1
Vascular	ST1/2	1
Total		14

GP Trainees *These posts may have been filled locally		
Scheme	Specialty	Number of Vacancies
St George's	Emergency Medicine	1
Bexley & Sidcup	Geriatric Medicine	1*
	Old Age Psychiatry	1*
	Paediatrics	1*
Bromley	Emergency Medicine	1*
	Paediatrics	1*
Croydon	Cancer Medicine	1*
	Psychiatry	1*
Lewisham	Emergency Medicine	1*
	ENT	1*
Greenwich	Emergency Medicine	2*
	Geriatric Medicine	2*
	Paediatrics	1*
	ENT	1*
	General Psychiatry	2*
Guys & St Thomas'	Palliative Medicine	1*
	Acute Medicine	1*
	Paediatrics	1*
King's	GUM	1*
	Psychiatry	1*
	Geriatric Medicine	1*
	General Surgery	1*
Kingston & Roehampton	Paediatrics	1*
	Paediatrics	1*
	Psychiatry	1*
St Helier	Emergency Medicine	2*
	Geriatric Medicine	2*
	Emergency Medicine	1*
	Paediatrics	1*
	Public Health	1*
	Community Psychiatry	1*
Total		36

APPENDIX C

High level data

Number of doctors / dentists in training (total):	1088
588 St George's trainees and 500 GP trainees across South London	
Number of doctors / dentists in training on 2016 TCS (total):	50
Amount of time available in job plan for guardian to do the role:	2 PAs / 8 hours per week
Admin support provided to the guardian:	0 WTE dedicated support
Currently looking at the Junior Doctors Hours Monitoring Officer role to re-band to AfC Band 6 to include support for the GSW. Also in talks with HESL for additional funding for admin support for the GP Trainees	
Amount of job-planned time for educational supervisors:	0.25 PAs per trainee