

Meeting Title:	Workforce and Education Committee		
Date:	11/01/2018	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>The Guardian of Safe Working's report summarises progress in providing assurance that doctors are safely rostered and work hours that are safe. This report covers the period from 27/09/2017 – 03/01/2018</p> <p>263 episodes of trainees working outside of their work schedules have been reported.</p> <p>Fines totalling £10,527.48 have been levied during this period compared to £227.43 during the same period last year. The majority of fines have arisen due to staff working significantly beyond their hours in General Surgery.</p>		
Recommendation:	The Trust Board are asked to note the number and nature of exceptions reported by trainees and in particular consider plans to resolve recurring themes around Foundation Year 1 workload in General Surgery		
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:	Risk of further fines being levied for breaches of the 48 hour and 72 hour working time limits in General Surgery		
Legal/Regulatory:	Compliance with the Terms and Conditions of Service (TCS) for NHS Doctors and Dentists in Training (England) 2016		
Resources:	Resources may be required to prevent further fines being levied in General Surgery		
Previously Considered by:	None	Date	03/01/2018
Equality Impact Assessment:	N/A		
Appendices:	One		

Guardian of Safe Working Report
Workforce and Education Committee 11/01/2018

1.0 PURPOSE

- 1.1 This paper provides assurance to the Board on progress being made to ensure that doctors' working hours are safe
- 1.2 This report asks the Board to note the fines levied due to breaches in the 48 hour and 72 hour working time limits, particularly in General Surgery and consider strategies to prevent further breaches and fines in future

2.0 BACKGROUND

- 2.1 The 2016 Terms and Conditions of Service (TCS) for Doctors in Training have been implemented at St George's in line with the national timeline. All trainees are now employed on the new Terms and Conditions of Service.
- 2.2 The first Guardian of Safe Working report in January 2017 gave details of one fine levied against General Surgery due to a Foundation Year 1 doctor working in excess of 76 hours over a 7 day period in December 2016. The value of this fine was £227.43.
- 2.3 Changes were made to rotas in General surgery and no further fines were levied. However, recently the situation has deteriorated significantly.

3.0 ANALYSIS

Fines

- 3.1 In the last three months a further 11 fines have been levied, details of which are shown below:

Specialty	Breach reason	Fine (£)
General Surgery	Eight breaches of 48 hour average working week limit by Foundation Year 1 doctors	9074.15
	Single breach of 72 hour working week limit by Foundation Year 1 doctor (83 hours and 15 minutes worked)	574.31
Gastroenterology	Single breach of 48 hour average working week limit by Foundation Year 2 doctor	738.63
Senior Health	Single breach of 48 hour average working week limit by Foundation Year 1 doctor	140.39
	TOTAL	£10,527.48

- 3.2 The Trust Board are reminded that the 2016 TCS state the following:

“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”

To date none of the fine monies have been spent.

Exception reports

3.3 263 exceptions were reported in the period 27 September 2017 – 3 January 2018

3.4 The breakdown is as follows:

Division	Number of exceptions	Breakdown
Surgery, Theatres, Neurosciences and Cancer	205	204 General Surgery 1 Plastic Surgery
Medicine and Cardiovascular	48	19 Renal Transplantation 13 Senior Health 12 Gastroenterology 3 Acute Medicine 1 Endocrinology
Children and Women Diagnostics, Therapeutics and Critical Care	3	1 Obstetrics & Gynaecology 1 Paediatrics 1 Adult Critical Care
Community Services	1	1 Elderly Rehabilitation

St George's is the Lead Employer for General Practice across South London. Six exceptions were reported by this cohort of doctors in training.

3.5 A further breakdown shows:

- 261 exceptions related to working hours /conditions
 - 253 of these were where trainees worked in excess of their hours
 - 4 exceptions where trainees had missed breaks and
 - 4 exceptions were due to differences in the support available during service commitments
- Two related to missed training opportunities due to service pressures

3.6 No exception reports were highlighted as immediate safety concerns

Work schedule reviews

3.7 No work schedule reviews were requested during this period. However a work schedule review in General Surgery has yet to conclude despite being requested over three months ago. In that time eight further fines have been levied due to significant breaches of existing work schedules.

Rota gaps

3.8 Rota gap information is shown in Appendix A. This lists vacant trainee, clinical fellow and trust doctor posts across St George's. This does not include vacant physician assistant or other advanced practitioner posts. This data shows that there are 100 vacancies across St George's, an increase from the 60 reported in October 2017.

3.9 The Trust Board are reminded that the 2016 TCS 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.”

Junior Doctor Forum

3.10 The Junior Doctor Forum attendance has increased substantially due to the efforts of the new Chair, Deputy Chair and a Less Than Full Time trainee representative. Recent meetings

have seen the Trust's Medical Director, Chief Executive and Director of HR take questions. These sessions have been extremely well received though have highlighted significant concerns related to the Trust's ability to respond to individual queries from doctors in training (including those employed under the Lead Employer arrangement) regarding contracts, pay and work schedules. Assurances have been given that these concerns will be addressed.

Access to rest facilities

- 3.11 Schedule 12 of the Terms and Conditions of Service (TCS) for NHS Doctors and Dentists in Training (England) 2016 details the facilities that should be made available to doctors who work during the overnight period.
- 3.12 A number of departments have made efforts to establish rest areas where staff can take 'night naps' during their shifts. It is unclear however whether these facilities can be used by all staff working during the night shift (doctors, nursing, AHP, non-clinical staff). Further clarification is being sought on this.

4.0 IMPLICATIONS

Risks

- 4.1 Risk of further fines for breaches of the 48 hour and 72 hour working time limits for Foundation Year 1 doctors in General Surgery. Details of fines to be published in the Trust's 2017/18 financial accounts.
- 4.2 Risk of work schedule review in Renal Transplantation due to volume of exceptions reported.
- 4.3 Risk of rota gaps. Details of plans to reduce rota gaps to be included in a statement in the Trust's Quality Account for 2017/18 which must be signed off by the Chief Executive.
- 4.4 Risk of lack of compliance with Schedule 12 of the 2016 TCS due to a lack of clarity on the access to rest facilities for doctors working the overnight period and how this relates to other staff groups.

Legal Regulatory

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

Resources

- 4.6 Resources to adequately staff the Foundation year 1 rota in General Surgery to prevent further working time breaches and fines

5.0 NEXT STEPS

- 5.1 To further monitor the situation amongst Foundation Year 1 doctors in General Surgery
- 5.2 To consider a work schedule review in Renal Transplantation
- 5.3 To seek clarification on concerns relating to the Trusts ability to respond to individual trainee queries on contracts, pay and work schedules and to seek clarification on the issue of 'night naps' for all staff working the overnight period

6.0 RECOMMENDATION

- 6.1 The Trust Board are asked to note the number and nature of exceptions reported and in particular consider urgent action to prevent further working time breaches by Foundation Year 1 doctors and fines in General Surgery.
- 6.2 The Board are asked to include details of fines in the Trust's 2017/18 financial accounts.
- 6.3 The Board are asked to include a statement on rota gaps and the plan for improvement to reduce these gaps in the Trust's 2017/18 Quality Account, which must be signed off by the Chief Executive

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