

Meeting Title:	Workforce and Education Committee		
Date:	12/04/2018	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 04/01/2018 – 31/03/2018</p> <p>203 episodes of trainees working outside of their work schedules have been reported. This has resulted in fines totalling £6437.46 being levied. This is down from the £10,527.48 levied during the previous quarter.</p> <p>Work schedule reviews have concluded in a number of specialties though significant concerns remain regarding rotas in ENT and 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 in ENT and 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:	Risks of further fines and work schedule reviews in ENT and 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 ENT and General Surgery		
Previously Considered by:	None	Date	04/04/2018
Equality Impact Assessment:	N/A		
Appendices:	One		

Guardian of Safe Working Report
Workforce and Education Committee 12/04/2018

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 of the 48 hour and 72 hour working time limits, particularly in ENT and General Surgery and consider strategies to prevent further breaches and fines in future

2.0 BACKGROUND

- 2.1 The previous Guardian of Safe Working report provided details of the 11 fines totalling £10,527.48 which had been levied during the last quarter. The majority of these had been levied due to breaches of the 48 hour average working week limit by Foundation Year 1 doctors in General Surgery.
- 2.2 A work schedule review to address these issues had been carried forward due to a lack of progress.
- 2.3 Issues had also been identified previously with Foundation Year 2 rotas in ENT during June – July 2017. These had been resolved in August 2017 following a work schedule review. However from early on in 2018, the situation in ENT deteriorated significantly.

3.0 ANALYSIS

Fines

3.1 In the last three months, 5 fines have been levied, details of which are shown below:

Specialty	Breach reason	Fine (£)
General Surgery	Two breaches of 48 hour average working week limit by Foundation Year 1 doctors	4007.42
	Single breach of 72 hour working week limit by Foundation Year 1 doctor (80 hours worked)	436.74
ENT	Single breach of 48 hour average working week limit by ST 1/2 doctor	1171.50
Renal Transplantation	Single breach of 48 hour average working week limit by Core trainee	821.80
	TOTAL	£6,437.46

3.2 To date none of the fine monies have been spent.

Exception reports

3.3 203 exceptions were reported in the period 4 January 2018 – 31 March 2018

3.4 The breakdown is as follows:

Division	Number of exceptions	Breakdown
Surgery, Theatres, Neurosciences and Cancer	109	74 General Surgery 33 ENT 1 Plastic Surgery 1 Anaesthetics
Medicine and Cardiovascular	88	19 Renal Transplantation 17 Gastroenterology 17 Respiratory 10 Senior Health 10 Haematology 7 Emergency Medicine 6 Acute Medicine 2 Endocrinology
Children and Women Diagnostics, Therapeutics and Critical Care	6	6 Obstetrics & Gynaecology
Community Services	0	0

3.5 A further breakdown shows:

- 199 exceptions related to working hours /conditions
 - 198 of these were where trainees had worked in excess of their hours or where Time Off in Lieu could not be taken due to service pressures and
 - 1 exception where a trainee had missed their break
- Four related to missed training opportunities

3.6 Three exceptions were highlighted as an immediate safety concern

These related to three consecutive days in February 2018 where a Foundation year 1 trainee worked an hour or more over their scheduled finish time. The immediate safety concern stated:

“There is excellent senior support available because the consultants work very hard and are quite exceptional - however the sheer number of medical outliers mean that we are forced into F1 ward rounds (which I was told by the guardian of safe working hours "do not exist") - which extend into after 5pm due to the obscene number of medical outliers. There are major safety concerns attached to this. Senior doctors cannot be expected to be omniscient and ever-present. They rely on the juniors to inform them and update them. This might be appropriate and reasonable under specific conditions and a finite amount of time, however the current stress being placed on the juniors makes it both impossible to function appropriately and highly stressful”

A discussion took place between the Lead Consultant and the trainee within 24 hours of receipt of the exceptions. No patient safety incidents had occurred. However staffing skill mix issues were identified and adjustments were made by the consultants and rota co-ordinator. The use of ward round checklists (as an aid to safety) were discussed and the trainee was informed of support services available during times of stress.

Work schedule reviews

- 3.7 Work schedule reviews were requested for four trainees in ENT (Foundation and ST1/2), two Foundation Year 1 doctors in General Surgery and one Core trainee in Renal Transplant.
- 3.8 Work schedule reviews were triggered in ENT due to the volume of exception reports during the first two months of 2018. The review for one ST1/2 trainee progressed to a Level 2 review due to dissatisfaction with the initial outcome. Following mediation by the Guardian of Safe Working, organisational changes were agreed between the department and the trainee. This review has since concluded.
- 3.9. A Level 1 work schedule review for two Foundation Year 1 trainees in General Surgery failed to progress during the previous quarter. Hence a meeting was convened by the Medical Director with the Director of Medical Education, Foundation Year 1 Lead, Guardian of Safe Working and representatives from General Surgery. This resulted in a clear action plan being developed. These work schedule reviews have also concluded.
- 3.10 A Level 1 work schedule review for a Core trainee in Renal Transplantation resulted in an increase in the estimated number of hours of work being calculated for the non-resident on-call period. This review has concluded with a satisfactory outcome.
- 3.11 Whilst all the above work schedule reviews have concluded, significant concerns remain regarding rotas in ENT and General Surgery. Exception reports from these specialties will continue to be monitored throughout April 2018.

Rota gaps

- 3.12 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 69 vacancies across St George's, a decrease from the 100 reported in January 2018.

Lead employer for General Practice training

- 3.13 St George's is the Lead Employer for General Practice training across South London. No exceptions were reported by GP trainees working in Practice during this quarter. To date we have had feedback from four host trusts regarding exception reports, work schedules and fines for GP trainees working at their sites as follows:
- Guy's & St Thomas's: 10 exception reports from 3 GP trainees. Time off in Lieu or overtime payment provided for extra hours worked. No work schedule reviews or fines
 - Croydon: Of four GP trainees, two had had Level 1 work schedule reviews which resulted in Time off in Lieu. No fines
 - Lewisham & Greenwich: No work schedule reviews or fines
 - Oxleas: No information to report

4.0 IMPLICATIONS

Risks

- 4.1 Risks of further fines and work schedule reviews in ENT and General Surgery

Legal Regulatory

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

Resources

- 4.3 Resources to adequately staff rotas in General Surgery and ENT to prevent further working time breaches and fines

5.0 NEXT STEPS

5.1 To further monitor the situation in General Surgery and ENT

6.0 RECOMMENDATION

6.1 The Trust Board are asked to note the number and nature of exceptions reported and in particular consider action to prevent further working time breaches in General Surgery and ENT.

Author: Dr Sunil Dasan, Guardian of Safe Working

Date: 04/04/2018