

WORKFORCE COUNCIL COMMITTEE

Paper No:								
Title of paper: Lead Employer Report on Safe Working Hours (GP Trainees, Public Health & Trusts with less than 10 Trainees)								
Purpose: Following the implementation of the Terms & Conditions of service for NHS Doctors and Dentists in training (England) 2016 the Guardian of Safe Working Hours is required to ensure that issues of compliance of safe working hours are addressed by the Doctor, employer and host organisation as appropriate and provide assurance to the board of the employing organisation that Doctors' working hours are safe.								
Summary: This paper pertains to employees of the Trust under the Terms & Conditions of service for NHS Doctors and Dentists in training. It covers the period from January 2021 to March 2021. The data held within the report relates to Lead Employer Trainees based within setting such as GP Practice, Public Health, Sports Exercise Medicine, Palliative Medicine and Trusts with less than 10 Trainees who are employed under the Terms & Conditions of service for NHS Doctors and Dentists in training (England) 2016								
Corporate objectives met or risks addressed:								
Financial implications: Potential incurrence of fines and/or penalties owing to unsafe working practices								
Stakeholders: Trust-wide								
Recommendation(s): <i>What do you want members of the meeting to do –</i>								
<table border="0"> <tr> <td>Discussion</td> <td><input type="checkbox"/></td> <td>Assurance</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Information</td> <td><input checked="" type="checkbox"/></td> <td>Approval</td> <td><input type="checkbox"/></td> </tr> </table>	Discussion	<input type="checkbox"/>	Assurance	<input type="checkbox"/>	Information	<input checked="" type="checkbox"/>	Approval	<input type="checkbox"/>
Discussion	<input type="checkbox"/>	Assurance	<input type="checkbox"/>					
Information	<input checked="" type="checkbox"/>	Approval	<input type="checkbox"/>					
Assurance Provided:								
Decisions Required:								
Risks Identified and action taken:								
Matters for escalation:								
Presenting officer: Dr Peter Arthur, Guardian of Safe Working								
Date of meeting:								

1. Introduction

Following the implementation of the Terms and Conditions of Service for NHS Doctors and Dentists in training (England) 2016 the Guardian of safe working is required to ensure that issues of compliance of safe working hours are addressed by the doctor, employer, host organisation as appropriate and provide assurance to the Board of the employing organisation that doctors' working hours are safe.

The following report covers the period from when the trainees in this remit transitioned to the 2016 Terms and Conditions of Service in January 2021 – March 2021.

As part of the Terms and Conditions of Service for NHS Doctors and Dentists in training (England) 2016 all trainee doctors are provided an opportunity to report exceptions to their standard work schedules, as set out below;

- Working beyond the average weekly hours limit
- Extended hours of work beyond their expected shift length
- Breaches of weekend or night work frequency
- Failure of opportunity to take adequate natural rest breaks
- Failure of opportunity to attend formal teaching sessions in their work schedule
- Lack of support available to doctors during service commitments

2. High Level Data

Number of Doctors/Dentist in training on 2016 Terms and Conditions (total)	10,013
Number of Doctors/Dentist based within a placement with less than 10 Trainees	3488
Amount of time available in job plan for guardian role	1.5 PA
Admin support provided to the guardian	1.0 WTE

3. Exception reports (with regard to working hours)

Exception reporting is the mechanism used by trainees subject to the Terms and Conditions of Service for NHS Doctors and Dentists in training (England) 2016 to notify the trust when their day-to-day work varies significantly, or regularly from their agreed work schedule.

Where a trainee raises an exception report this must be acted upon by Educational Supervisors (delegated to Clinical Supervisors.) This may result in no further action, time off in lieu (TOIL) or recommendation for payment for extra hours worked. In addition there are certain breaches which necessitate a fine for the involved department which is reinvested in part back to the trainee and in part in training and educational activity.

Region	Number Raised/Closed		Decision Outcome			No. that are on-going
	Raised	Closed	TOIL	Payment	Other	
North West	0	0	0	0	0	0
West Midlands	0	0	0	0	0	0
East Midlands	0	0	0	0	0	0
East of England	0	0	0	0	0	0
London & South East	0	0	0	0	0	0
Thames Valley	0	0	0	0	0	0
Total	0	0	0	0	0	0

4. Work schedule reviews

The work schedule is a document distributed to trainees before they commence their placement within their host trust/organisation. It includes generic information relating to the placement such as learning opportunities, Rota template information and pay details.

In this reporting period there has been no work schedule reviews for any of the regions.

5. Fines

There were no fines Levied in this reporting period.

6. Issues arising and actions taken to resolve issues

The extra hours worked and reported due to the COVID pandemic were resolved through a national agreement and were largely from Public Health. A statement regarding the COVID pandemic and the 2016 contract was released on 8th April 2020.

The last junior doctor forums were held in March 2021. The attendance at the forums has overall improved.

There was a previous discussion around the timings of the JDF's and it had been considered they may be better attended out of hours, however Dr Arthur noted that this would then incur TOIL payment and also noted that people usually only attend if they have an issue to raise otherwise they are generally happy in their placement.

7. Summary .

Exception reporting figures are low within the period of January 2021 – March 2021, during the pandemic NHS Employers and the BMA agreed that when not possible to implement, relevant working hours restrictions and rest requirements the TCS will be suspended and that the Working Time Regulations 1998 (WTR) will be the fallback position for the duration of the pandemic

8. Conclusion and Recommendations

The Guardian is assured with the overall safety of working hours across the host organisations for trainees under the 2016 Terms & Conditions based on evidence from the

exception reports submitted thus far. The Guardian would ask the Board to note this report and to consider assurances provided thus far.

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