

WORKFORCE COUNCIL COMMITTEE

Paper No:		
Title of paper: Lead Employer Report on Safe Working Hours: Doctors and Dentists in Training (January 2021 – March 2021)		
<p>Purpose: 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.</p> <ul style="list-style-type: none"> •This paper pertains data relating to all Lead Employer (LE) Trainees including GP, Public and Mental Health Trainees who are based within acute host organisations, for which St Helens and Knowsley Teaching Hospital NHS Trust is the LE. •LE Trainees based within a GP Practice and host organisations with less than 10 trainees are subject to a separate report. FY1/2 ERs are a matter for local host guardians and are not included in this report. 		
<p>Summary:</p> <p>From 75 organisations; return rate reduced to 71%</p> <p>6525 doctors under LE</p> <p>Exception reporting (ER) rates range from 1-8% between regions with the most represented region returning 2% ER rate</p> <p>Work schedule reviews – None</p> <p>Fines issued – none</p>		
Corporate objectives met or risks addressed: safe working hours for medical workforce in training		
Financial implications: Potential incurrence of fines and/or penalties owing to unsafe working practices		
Stakeholders: Trust-wide		
<p>Recommendation(s):</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Discussion <input style="width: 80px; height: 25px; border: 1px solid black;" type="text"/></p> <p>Information <input checked="" style="width: 80px; height: 25px; border: 1px solid black;" type="text"/></p> </td> <td style="width: 50%; vertical-align: top;"> <p>Assurance <input style="width: 80px; height: 25px; border: 1px solid black;" type="text"/></p> <p>Approval <input style="width: 80px; height: 25px; border: 1px solid black;" type="text"/></p> </td> </tr> </table>	<p>Discussion <input style="width: 80px; height: 25px; border: 1px solid black;" type="text"/></p> <p>Information <input checked="" style="width: 80px; height: 25px; border: 1px solid black;" type="text"/></p>	<p>Assurance <input style="width: 80px; height: 25px; border: 1px solid black;" type="text"/></p> <p>Approval <input style="width: 80px; height: 25px; border: 1px solid black;" type="text"/></p>
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<p>Assurance Provided: No concern regarding patterns or proportions of exception reporting.</p> <p>Decisions Required: Continued observation</p> <p>Risks Identified and action taken: Reduced return rates from host trusts; some guardians have left their positions; some have no administrative support exacerbated by the effects of the pandemic.</p> <p>Matters for escalation: None</p>		
Presenting officer: Mr Michael Chadwick, Guardian of Safe Working		
Date of meeting: 19 th May 2021		

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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 and host organisation as appropriate and provide assurance to the Board of the employing organisation that doctors' working hours are safe.

This report covers the period of January 2021 – March 2021.

2. High level data

Total number of host organisations	105	
Total number of host organisations returned exception report data	Number of organisations	% return rate
	75	71%

The table below shows the number of trainees split by region on the 2016 contract:

Region	Total number of Doctors employed under the 2016 Terms & Conditions of Service	Total number of Doctors employed under the 2016 Terms & Conditions of Service based within acute host organisations
North West	5650	4675
West Midlands	1499	661
East Midlands	1047	422
East of England	1262	513
LaSe	58	27
Thames Valley	497	227
TOTAL	10,013	6525

The above figures do not include Trainees currently OOP

3. Work schedule reviews

The non-elective service rota and work schedule (which is a pattern of work during elective duties) is a document distributed to trainees before they commence their placement with the host Trust. It includes generic information relating to the placement, such as learning opportunities, the rota template and pay details. The work schedule is adjusted locally by clinical/educational supervisors to suit the individual training needs of the trainee. If sufficient evidence from ERs suggests a trainee's work schedule is considered too onerous or likely to significantly affect training then a review is recommended so as to effect a change more suitable to the training needs of the trainee, either as an individual or in the case of the department as a whole a rota change.

There were no work schedule reviews within the period of January 2021 –March 2021.

4. 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.

Of those host organisations who have returned exception report data, Appendix 1 sets out the exception reports made during January 2021 – March 2021. This includes the number of exception reports that have been raised and closed, what outcome was given and how many are outstanding/ on-going.

Across the country exception report (ER) rates for each region were low (1-8%), Almost all relate to excess hours of work. The previous apparent rise in ERs in East Midlands appears not to have been repeated in this reporting period. It is not therefore considered an outlier requiring further attention for now.

It is to be noted that ERs are to be encouraged to validate work pressures in real time. ERs not processed will in general amount to automatic payment as compensation for extra hours worked, whether necessary or not if not cleared by the end of a rotation. Engagement by educational/clinical supervisors is improving but trainee signoff agreeing the outcomes is persistently lacking on reporting systems.

5. Fines (October 2020 – December 2020).

There were no fines levied within the period of January 2021 –March 2021.

6. Issues arising and actions taken to resolve issues

The guardian expected a rise in ER for this quarter but this appears not to have occurred possibly due to resilience and the relaxation of lockdown; perhaps greater working efficiency usually seen in the latter quarters of the year due to greater experience and confidence; or reporting fatigue.

A rise in missed educational opportunity exceptions are expected to rise to a greater extent due to the second lockdown affecting elective admissions and the increase in telehealth particularly for the craft specialties but this data will only come to the Directors of Medical Education and are perhaps more relevant to training, than pay and conditions. Nonetheless there may be expectations by Trusts in dealing with backlogs that trainees should be part of the recovery with extra sessions being offered out continuously. It remains the case that there is still a potential for breaches of safe working hours on average which may go undetected.

7. Conclusion and Recommendations

The GOSW is assured with the overall safety of working hours across the host organisations for trainees under the 2016 Terms and Conditions based on evidence from the exception reports submitted thus far. Concern for the safety of patients and wellbeing of their doctor providers is paramount and departments should be mindful of the need to control the hours limits set for these individuals despite the need to apply

additional work as part of the post pandemic recovery. The GOSW would ask the Board to note this report and to consider the assurances provided thus far.

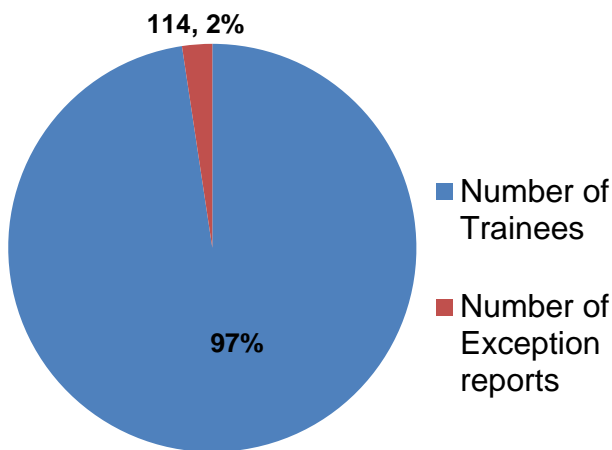
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Appendix 1 – Exception Reports by Region

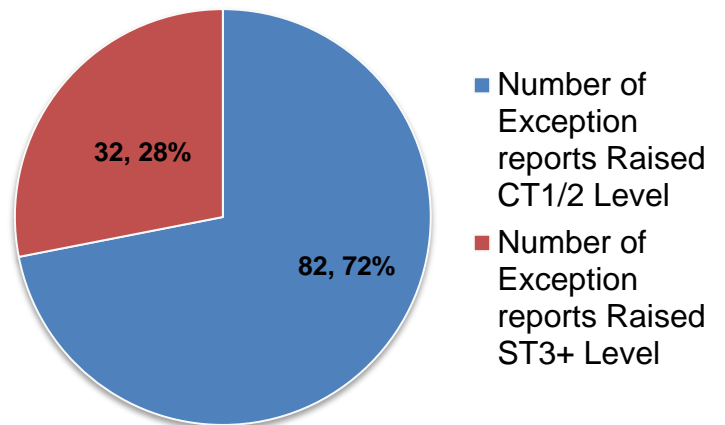
There was no exception reports submitted within LaSE and West Midlands Region

North West

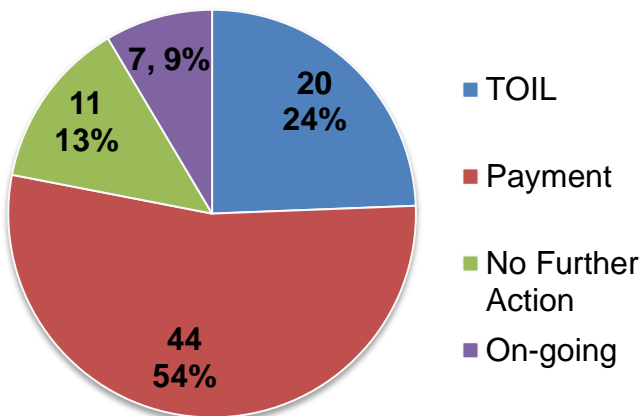
Number of Exception Reports Submitted



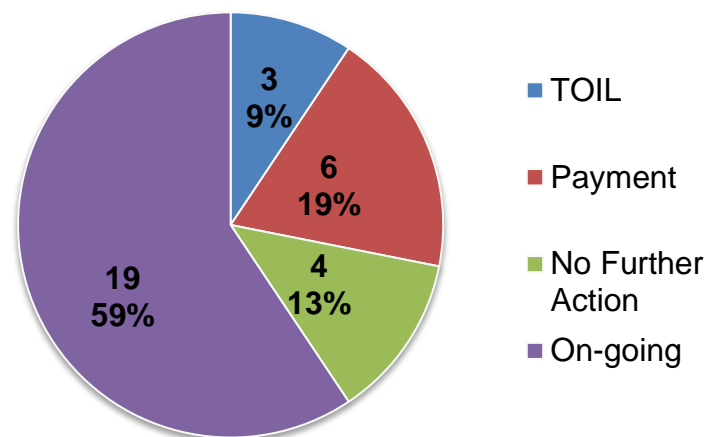
Level of Exception Reports Raised



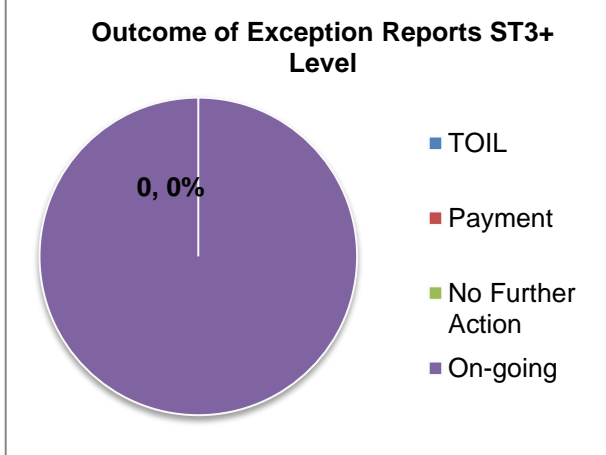
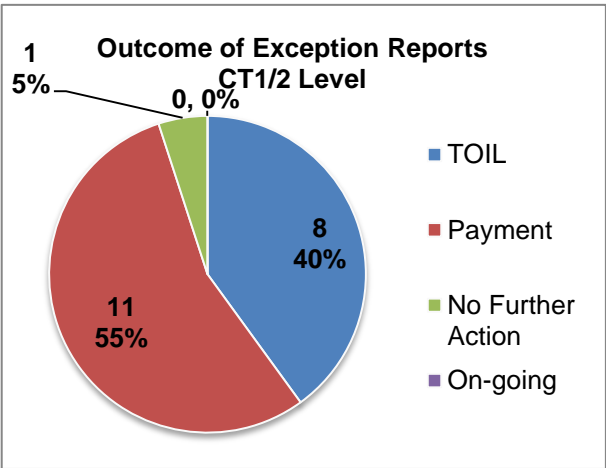
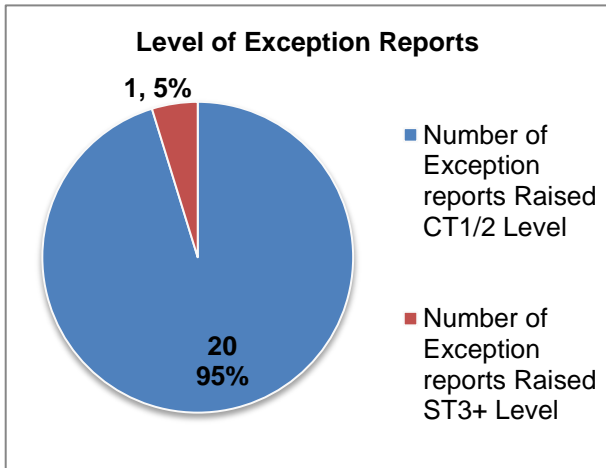
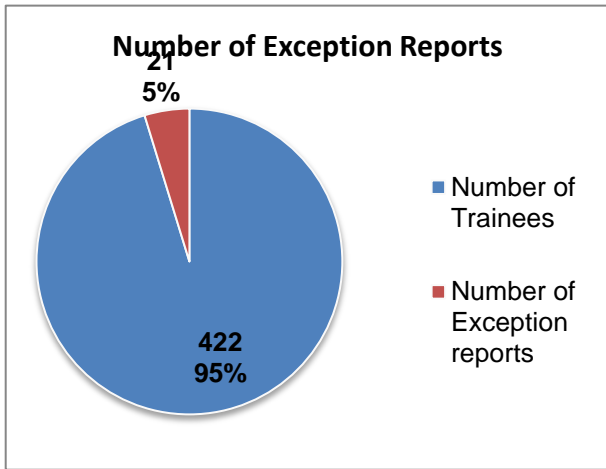
Outcome of Exception Reports CT1/2 Level



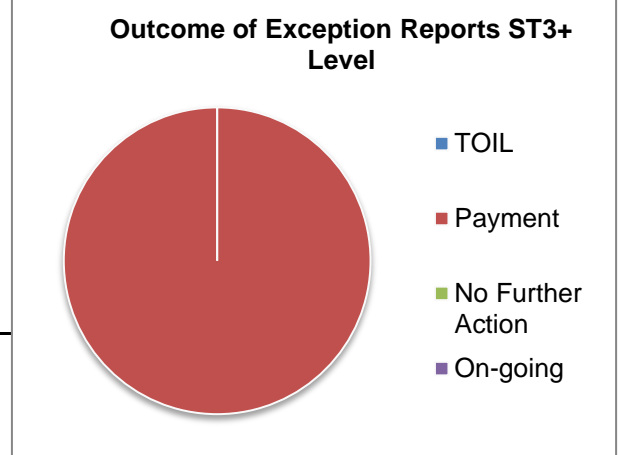
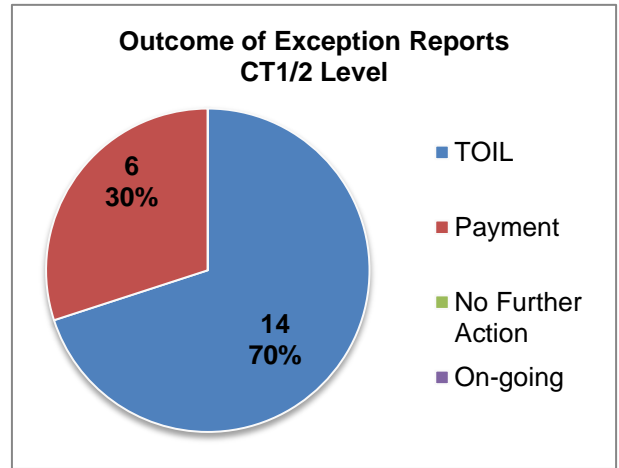
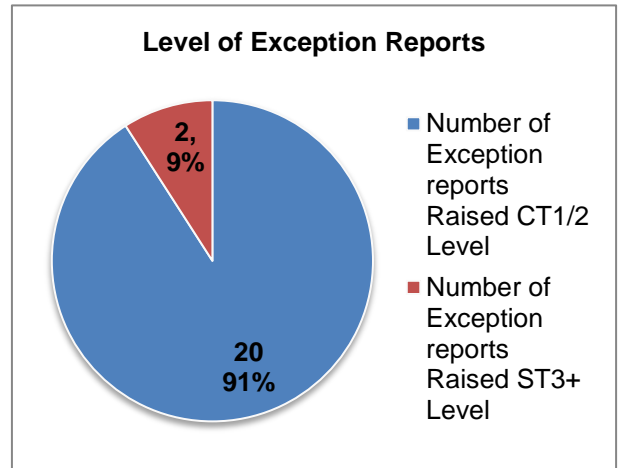
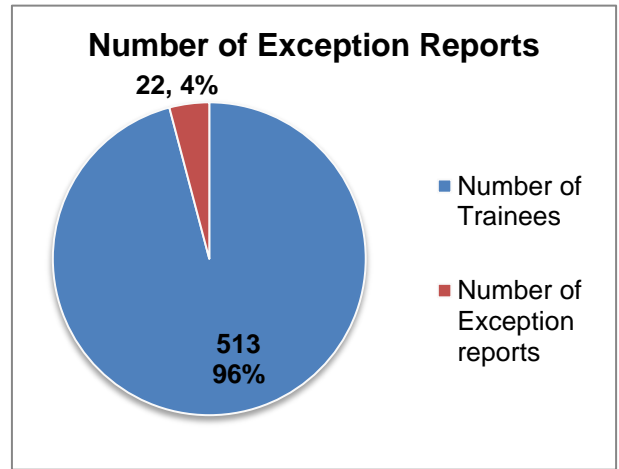
Outcome of Exception Reports ST3+ Level



East Midlands

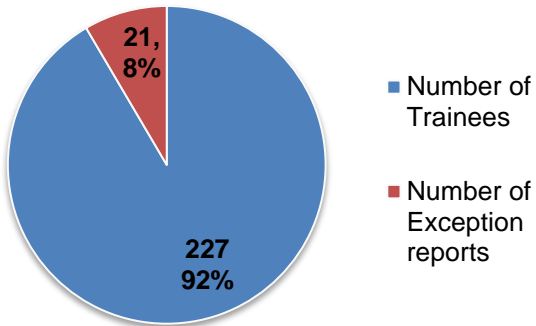


East of England

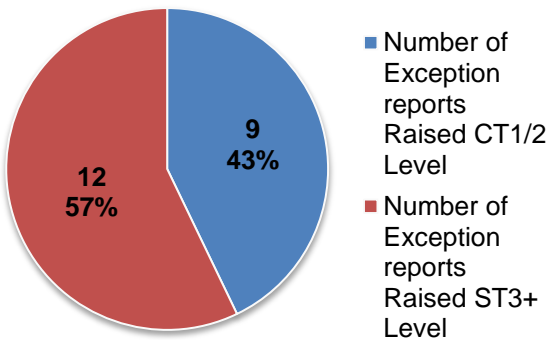


Thames Valley

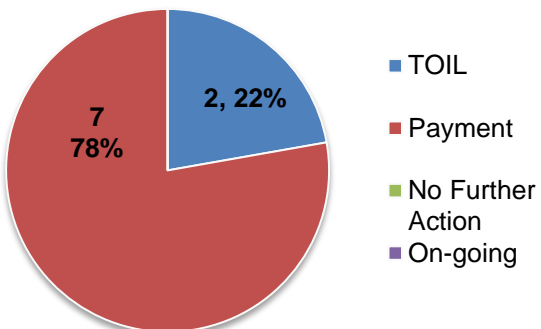
Number of Exception Reports



Level of Exception Reports



**Outcome of Exception Reports
CT1/2 Level**



**Outcome of Exception Reports
CT1/2 Level**

