

REPORT TO THE TRUST BOARD - PUBLIC

Title	Quarterly Report on Safe Working Hours: Doctors in Training Quarter 3 2019/2020 1 October 2019 – 31 December 2019
Author	Dr Juliette Brown, Consultant Psychiatrist & Interim Guardian of Safe Working Hours (GoSWH)
Accountable Executive Director	Dr Paul Gilluley, Chief Medical Officer

Purpose of the Report:

The Board is asked to note quarterly report from the ELFT Guardian of Safe Working Hours which provides data about the number of junior doctors in training in the Trust and any issues arising from transition to the 2016 Junior Doctor contract which was fully implemented in ELFT in September 2017. The report details arrangements made to ensure Safe Working within the new contract and arrangements in place to identify, to quantify and remedy any risks to the organisation.

Executive summary of key issues:

- Work schedules at ELFT are compliant with the junior doctor contract. From December 2019, 3 fines have been issued due to changes in the contract that render non resident on calls liable to fineable breaches.
- Total vacancies remain high at 9%. Absences from rotas contribute to increased workload.
- Exceptions to work schedules are under-reported.
- Data from reporting is being used to improve the working lives of our junior doctors. Issues with rotas, work schedules and payments continue to have a detrimental effect on morale.

Strategic priorities this paper supports (Please check box including brief statement)

Improving service user satisfaction	<input type="checkbox"/>	
Improving staff satisfaction	<input checked="" type="checkbox"/>	Provides assurance about monitoring of working hours with impact on junior doctor staff satisfaction.
Maintaining financial viability	<input type="checkbox"/>	

Committees/Meetings where this item has been considered:

Date	Committee/Meeting
N/A	N/A

Implications:

Equality Analysis	This report has no direct impact on equalities.
Risk and Assurance	Risks are associated with rota gaps and assurance will be provided through monitoring.
Service	No concerns noted at present.

User/Carer/Staff	
Financial	There are no financial implications attached to this report.
Quality	No concerns noted at present.

Supporting Documents and Research material

a. N/A

1.0 Introduction

1.1 This is the 6th report of Guardian of Safe Working Hours at ELFT to be presented to the Board. The report has been prepared by the Guardian and covers reporting submitted from date of last report 1 October 2019 to 31 December 2019.

1.2 The board is asked to note the information contained in the report including risks associated with vacant trainee posts and rota gaps, and reports of heavy demand on services which impacts training and safety, in addition to the detrimental impact of issues with work schedules, rotas, and payment.

2.0 High level data for ELFT Employed Trainees

2.1 Number of posts for doctors in training and number of vacancies (as of Feb 2020) are listed in the table below. The rate is at 9% with gaps in HT posts in Newham and Luton and Beds. Foundation, GP and CT posts are largely filled.

Grade	Posts for doctors on 2016 contract			Doctors in training on 2016 contract		
	London	Luton / Beds	Total	London	Luton / Beds	Total
FY 1 - 2	17	9	26	17	9	26
GPSTR	15	9	24	12	9	21
CT1-3	48	8	56	47	5	52
ST4-6	67	9	76	62	5	67
	147	35	182	138	28	166

3.0 **Exception reports** (01.10.2019 – 31.12.2019). There were 49 reports in total in this quarter. The majority relate to hours and rest.

Exception reports by Directorate				
Directorate	No. exceptions carried over	No. exceptions raised	No. exceptions closed	No. exceptions outstanding
City and Hackney	0	17	17	0
Tower Hamlets	0	14	13	1
Luton	0	8	8	0
Bedfordshire	0	1	1	0
Newham	0	8	7	1
CAMHS	0	1	1	0
Total	0	49	47	2

3.1

Exception reports by Grade				
Directorate	No. exceptions carried over	No. exceptions raised	No. exceptions closed	No. exceptions outstanding
FY	0	6	6	0
GP VTS	0	0	0	0
CT1-3	0	13	12	1
ST4-6	0	30	29	1
Total	0	49	47	2

3.2 Reports are more evenly distributed among grades, which is encouraging.

Exception reports by Action					
Directorate	Guardian Fine	Payment	TOIL	Not agreed	N/A as no action required
City and Hackney	0	2	11	0	4
Tower Hamlets	0	0	10	1	3
Newham	0	6	0	1	1
Luton + Beds	2	0	0	0	7
CAMHS	1	0	0	0	0
Total	3	8	21	2	15

3.3 Payments are authorized when it is not possible to take TOIL.

Exception reports (response time)				
	Addressed within 48 hours	Addressed within 7 days	Addressed in longer than 7 days	Still open
FY2	0	0	6	0
CT1-3	0	2	10	1
ST4-6	2	1	26	1
Total	2	3	42	2

3.4 Reports continue to take far longer to be signed off than is acceptable. Response times of 7 days are contractual..

4.0 Locum bookings

4.1 Locum bookings are made to cover vacant shifts on on-call rotas, the result of vacancies and sickness absence. The vast majority of locum shifts are taken by doctors working on the rota already, including staff grade doctors, and very few shifts are covered by agency doctors.

Directorate	Grade	Oct 2019	Nov 2019	Dec 2019	Agency	Total n. shifts
City and Hackney (incl. Forensics)	CT	21	21	27	5	69
	HT	4	12	18	0	34
Newham	CT	6	25	33	7	64
Tower Hamlets	CT	10	11	6	0	27
Newham / TH	HT	6	10	15	0	31
Luton	CT	15	16	20	3	51
Beds	CT	15	15	23	0	43
Luton / Beds	HT	13	16	20	17	49
CAMHS	HT	1	0	2	2	3
Total		91	126	164	34	371

5.0 Work schedule reviews

5.1 No Work Schedule Reviews were carried out in the reporting period.

6.0 Fines

6.1 3 fines have been levied in the period as a result of changes to the contract rules.

7.0 Qualitative information

7.1 The 2016 junior doctor contract includes safeguards relating to working hours. Work schedules and on call rotas are designed to comply with the contract. Trainees report breaches in work schedules by exception reporting. Work schedule reviews can take place if there is a need. In particular circumstances, fines can be levied. The role of Guardian of safe working hours is to ensure compliance with the safeguards, act on issues as they arise, and assure the Trust Board that working hours are safe. Guardians are independent of trust management. Exception reporting is considered a sign of a healthy training environment. Reports are increasing (see Appendix 1) and issues are being addressed on an individual basis, although there is room for further improvement.

7.2 The Trust runs a Junior Doctor Forum on a bi-monthly basis chaired by the Guardian and including BMA, medical staffing and medical education representation. The purpose of the forum is to consider any and all issues related to a supportive working environment for junior doctors. The forum is well attended. Separate meetings have also been held for core trainees, for CAMHS trainees, for trainees in Luton and Beds, and for less than full time trainee representatives. All meetings have gone ahead as planned and the forum has been positively received. All trainees have access to channels to report on patient safety issues and local concerns directly in addition to this forum.

7.3 Between October 2019 and December 2019 (3 months) 49 exception reports were raised. It is very likely that this is an under-representation of the actual breaches. 3 fines were also issued (the first fineable breaches of the rest rules at ELFT) as a result of breaches of overnight rest rules on non resident rotas. To put this in context these breaches were previously accepted as part of non resident rotas prior to the 2016 contract and mitigated by rest the following day. Before December 2019 there were to be noted only, and from December 2019 onward are fineable. The purpose of the fine is to prompt review of the rotas, on the basis that if rest rules are breached regularly, there is a case for review.

7.3 Common themes of exception reports include high demand on services, and understaffing / staff absences (including absence of senior colleagues) impacting on workload and training. In this quarter, changes to the junior doctor contract have resulted in 3 fines being issued.

8.0 Issues arising

8.1 It is likely that trainees across the board are under-reporting on exceptions to their rostered hours, and on missed breaks, and missed training opportunities. Some localities continue to report far less than others.

- 8.2 Many reports describe a very heavy workload in post and staff absences leading to having to stay late to complete work. Gaps in consultant cover are increasingly being reported as an issue.
- 8.3 From December 2019, additional fineable breaches are included in the contract and 3 fines have been issued.
- 8.5 The trust has been unable to issue on call rotas within the 6 week deadline in some cases. This is the result of delays in information being made available by the GP placement leads, and by Health Education England (the board overseeing placement of trainees) in addition to poor information sharing between departments about trainees returning to practice and those in less than full time work.
- 8.6 Mistakes in work schedules and the delay in issuing rotas have a detrimental effect on trainee morale.
- 8.7 In a recent survey on **exception reporting**, 27% of trainees responded to a survey on exception reporting. 84% had a reportable exception in the past year, but only a third had submitted a report. 16% of the respondents had been actively discouraged from reporting. The areas with greatest impact on the training experience were workload and demand on services, rotas and supervision, IT, gaps in the workforce and having concerns heard. The areas that were less of an issue were bullying and harassment, lack of autonomy, own physical or mental health, responsibilities outside of work and engagement from senior clinicians and managers.

9.0 Actions taken to resolve issues

- 9.1 Expectations of consultants have been outlined with regard addressing workload with trainees as part of their weekly supervision, and in reviewing timetables. This has been reiterated with communication from the Chief Medical Officer. Further training is being offered.
- 9.2 Where workload issues are identified, trainees and supervisors have been engaged with Guardian and clinical directors in addressing issues individually. Recruitment and retention is addressed in the Guardian Annual Action Plan (Appendix 2), in the Medical Education Annual Plan and in the trust's Medical Workforce Wellbeing Plan.
- 9.3 On the non resident rotas, fineable breaches have triggered discussions on rota patterns.
- 9.4 A standard operating procedure has been produced for the on call rota process.
- 9.5 It has been the recommendation of the Guardian that medical staffing be supported to take on the additional work required by the 2016 junior doctor contract and its amendments.

10.0 Ongoing Risks

10.1 The Board is asked to note the ongoing risks to the organization identified in this report which the Guardian of Safe Working Hours, Medical Workforce Manager, Director of Research, Innovation and Medical Education and Clinical Directors will keep under regular review and remediate wherever possible:

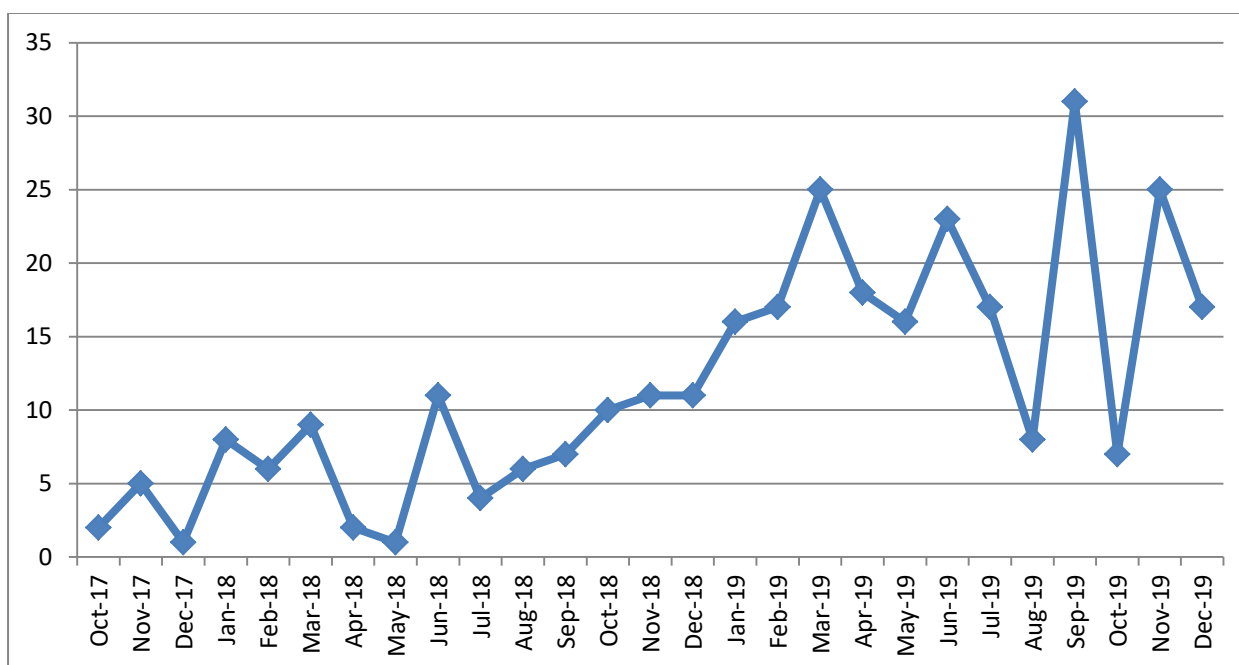
- Rota gaps.

11.0 Action Being Requested

11.1 The Board is asked RECEIVE and NOTE potential areas of concern and the plans in place to quantify risk and identify plans for remediation where necessary.

Appendix 1

Chart: Total exception reports, by number, by month, October 2017 to December 2019, East London NHS FT



Appendix 2

Guardian Annual Action Plan 2019 /20