

REPORT TO QUALITY ASSURANCE COMMITTEE
17 September 2020

Title	Annual Report on Safe Working Hours: Doctors in Training 1 April 2019 – 31 March 2020
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Purpose of the Report:

The Board is asked to note the annual 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, quantify and remedy any risks to the organisation.

Summary of Key Issues:

- The overall vacancy rate for doctors in training is between 9 – 11 %
- In the year, 183 exception reports were submitted (66% increase on 2018/2019)
- Most of these relate to hours worked over the rostered hours, or covering for absent colleague on call.
- There were 11 breaches of working hours contract rules leading to Guardian fines of £6709.18
- Although the available workforce was reduced during the pandemic at the end of this period, on call rotas remained filled.
- A supportive training environment for junior doctors remains a goal. We have an active junior doctor forum, very well received engagement activity from the medical education department, and more active communication channels between medical staffing and junior doctors.

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 User/Carer/Staff	No concerns noted at present.
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 third annual report of Guardian of Safe Working Hours at ELFT to be presented to the Board.
- 1.2 The report has been prepared by the Guardian and covers reporting submitted from 1 April 2019 to 31 March 2020.
- 1.3 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.

2.0 High level data for ELFT Employed Trainees

- 2.1 There are (as of 31 March 2020) 182 training posts for junior doctors in the Trust. 166 posts are filled as of 31 March 2020. The highest number of vacancies has been on the higher trainee rotas.

Grade	Number of posts for doctors 31 March 2020			Number of doctors in training in post 31 March 2020		
	London	Beds & Luton	Total	London	Beds & Luton	Total
FY 1 - 2	17	9	26	17	9	26
GP	14	10	24	12	9	21
CT1-3	48	8	56	47	5	52
ST4-6	67	9	76	62	5	67
			182			166

3.0 Exception reports (2019/2020)

There were 183 reports in total in this 12 month period (compares to 110 in the previous year). Where there are isolated clusters of reports, work has been done with clinical directors and individual trainees to look at the workload in particular posts. In most cases this is the result of absent consultants, or consultants covering multiple roles, leading to an increase in workload for the junior doctors. Exception reporting has allowed the trust to identify and resolves these issues.

Exception reports by Directorate 2019 / 2020					
Directorate	Quarter 1	Quarter 2	Quarter 3	Quarter 4	TOTALS
City and Hackney	9	24	17	14	64
Tower Hamlets	49	15	14	4	82
Luton	0	1	8	0	9
Bedfordshire	0	0	1	2	3
Newham	0	3	8	11	22
CAMHS	0	0	1	2	3
Total	58	43	49	33	183

3.1 **Exception reports by grade (2019/2020).** There are higher numbers of reports from ST4-6 doctors but a reasonable spread across grades, which is encouraging.

Exception reports by Grade					TOTALS
	Quarter 1	Quarter 2	Quarter 3	Quarter 4	
FY2	0	5	6	7	18
GP	11	5	0	4	20
CT1-3	13	17	13	5	48
ST4-6	34	16	30	17	97
Total	58	43	49	33	183

3.2 **Exception reports by action and response time (2019/2020).** Guardian fines follow on from breaches of working hours contract rules, and result in fines to the directorates, a proportion of which goes to a fund to support junior doctors. Of 11 fines, 3 are in CAMHS, 4 in Luton and Beds HT rota. Both of these rotas are non resident on calls and are more prone to breaches of the contract than resident rotas. The majority of reports are taking more than 7 days to address.

Exception reports by Action 2019/2020	
Guardian fine	11
Time Off In Lieu	54
Payment (standard rate)	83
No action required	35

Exception reports by response time 2019/2020	
Resolved in < 48 hours	9
Resolved in < 7 days	22
Resolved in > 7 days	152

4.0 **Locum bookings**

4.1 Vacant shifts on on call rotas are covered by locum bookings. Numbers over the period are tabled below, and charted in Appendix 2. There is a steady increase over the last year in shifts requiring locums. The vast majority of bookings are covered by doctors employed by the trust thus reducing agency spend. More than 90% of vacant junior doctors shifts have been covered without the need for agency spend.

Locum bookings for on call shifts					TOTALS
	Quarter 1	Quarter 2	Quarter 3	Quarter 4	
	Number (agency)	Number (agency)	Number (agency)	Number (agency)	Number (agency)
CH CT	16	79 (19)	37 (7)	69 (5)	201 (31)
NH CT	99 (14)	95 (8)	65 (1)	64 (7)	323 (30)
TH CT	25	45 (4)	34	27	131(4)
Luton CT	36	25 (6)	14	51 (3)	126(9)
Bed CT	64	45 (2)	11	43	163(2)

CH HT	28	47 (1)	31	34	140(1)
TH NH CT	27	38	10	31	106
LB HT	33 (10)	46 (18)	14	49(17)	142(45)
CAMHS	2 (2)	9(5)	1(1)	3(2)	15(10)
Total	330 (26)	429 (63)	217 (9)	371 (34)	1347(132)

5.0 Qualitative information

- 5.1 The 2016 junior doctor contract from NHS Employers includes safeguards relating to working hours. Work schedules and on call rotas are designed to comply with the contract. It's the responsibility of trainees to report breaches in work schedules by exception reporting. Work schedule reviews can take place if there is a need. For some breaches of the working hours rules, fines are 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. Guardian of safe working hours reports to Trust Board on the amount of vacant posts and vacant shifts on rotas. This ensures that the impact of rota gaps on safe working practices is monitored. Exception reporting is considered a sign of a healthy training environment. Reports have increased during the past year by 66%.
- 5.2 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 broadly to look at any and all issues pertinent to creating a more supportive working environment for junior doctors and includes as agenda items reports from each locality, information on rest facilities, timely access to rotas, and impact of rota gaps. The forum has been very well attended. All meetings have gone ahead as planned and the forum has been positively received. Separate meetings with CAMHS trainees and with LTFT trainees have been held. All trainees have access to channels to report on patient safety issues and local concerns directly in addition to this forum.
- 5.3 Between 01 April 2019 and 31 March 2020 (2019/20) 183 exception reports were raised. The majority relate to working over rostered hours. A survey in December 2019 on the experience of exception reporting attracted responses from 27% of doctors in training and found that 16% of these (4% all doctors in training) felt they had been actively discouraged from reporting. Trainees report encouragement from the Guardian, and improvements in being able to resolve a multitude of issues related to rotas, hours, and support, and good engagement from senior leaders, but it remains difficult to identify and challenge areas where support for trainees is less good.
- 5.4 Common themes of exception reports include high demand on services, understaffing / staff absences (including absence of senior colleagues) impacting on workload and training, persistent issues with cross cover, and poor planning of leave and timetables.
- 5.5 Morale is very negatively affected by pay issues and delays in rotas.

6.0 Issues arising

- 6.1 GMC national training surveys indicate that trainees across the board are very likely to be under-reporting on exceptions to their rostered hours, and on missed breaks, and missed training opportunities. This holds true in all specialities, but currently there is no national data benchmarking.

6.2.1 The trust has historically had some delays in issuing on call rotas.

6.3 Vacancies in training posts are between 9 – 11%.

7.0 Actions taken to resolve issues

7.1 On under-reporting: consultants have been asked to be receptive to addressing workload with trainees as part of their weekly supervision, and in reviewing work schedules as required.

7.2 On timely access to on call rotas: Medical staffing and medical education have worked together to make changes to the processes involved. Despite this, many of the issues lie outside of the organisation (trainees leaving a rotation due to personal reasons, for example, leading to a need for a rota to be e-issued).

7.3 There is ongoing work at all grades to identify East London NHS FT as an attractive workplace, which includes teaching, training and mentoring of medical students and Foundation doctors, efforts to improve clinical posts, teaching, and supervision of core trainees, and development work with higher trainees. The Guardian Action Plan includes work to ensure trainees can engage with staff networks and other opportunities. The Chief Medical Officer's Wellbeing Plan for doctors highlights the importance of development and wellbeing of trainees. Medical staffing are focusing their attention on the resolution of pay problems.

8.0 Ongoing Risks

8.1 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 Medical Education and Clinical Directors will keep under regular review and remediate wherever possible:

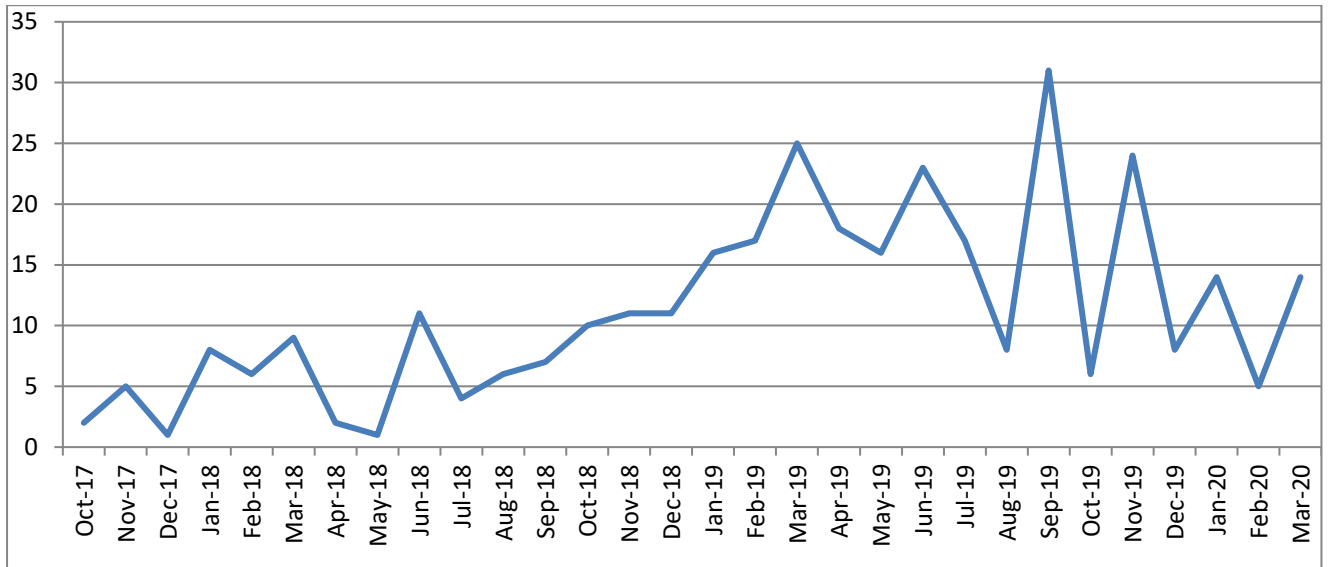
- Ongoing rota gaps as a result of difficulties in fully recruiting.
- The Board is asked to note that most of the ongoing staffing issues within ELFT are related to factors outside the control of the Trust, namely the ongoing difficulties with recruitment into psychiatry and the consequent difficulties faced by Health Education England in placing trainees in all available training posts within the Trust.

9.0 Action Being Requested

9.1 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:

Exception reports (numbers) October 2017 – March 2020
An upward trend in reports is encouraging



APPENDIX 2:

Vacant shifts requiring locums (numbers) April 2019 – March 2020

Note a steady increase reflecting absences on the rota

