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**Leicestershire Partnership**  
NHS Trust

## Public Trust Board – 29<sup>th</sup> June 2021

### Report title

- Guardian of Safe Working Hours – Annual Report (April 2020 – March 2021)

### Purpose of the report

- Provide assurance to the Trust Board that doctors in training in LPT are safely rostered and have safe working hours that comply with the Terms and Conditions of Service
- Inform that 24 Exception Reports were raised in the period April 2020 – March 2021. This indicates a variance from the agreed work schedule. This report highlights the action being taken to address this.

### Analysis of the issue

#### Exception Reports

Exception reporting is the mechanism for all doctors employed on the 2016 Junior Doctors Contract to inform the Trust when their day to day work varies significantly and/or regularly from the agreed work schedule. The reports are raised electronically using the “Allocate” rostering system. All reports are received by the Medical Staffing team, the Guardian of Safe Working Hours and the Consultant supervisor for the individual trainee. Once received the Consultant supervisor discusses with the trainee to reach an agreed outcome which is subsequently logged on the Allocate system.

In 2020/21, 24 exception reports were logged. A breakdown is provided in Appendix 1. This is a small increase on 21 exception reports logged in the previous 12 months 2019/20.

14 of the exceptions reports relate to the StR rota which has been a non-resident on call working pattern for at least the last 20 years. Expected rest whilst on call is 8 hours per 24 hour period, of which at least 5 hours should be continuous and occur between 22.00 and 07.00. If it is expected that this will not be met, the day after must not exceed 5 hours. In the 14 exception reports received, 5 hour continuous rest did not occur between 22.00 and 07.00. This is predominately due to the number of Mental Health Act Assessments (MHAA) required overnight. Current practice requires both doctors for the MHAA to be supplied by LPT thus both East and West StR are called out. Previously, and in other Trusts, agreement has been that one doctor is the on call StR and the second doctor is sourced by the AMHP from a separate rota.

The Evington rota became a non-resident on call working pattern from 5<sup>th</sup> August 2020. This was implemented following a consultation exercise. However, due to an increase in admissions to the Evington Centre, related to Covid-19, the shifts covered by the trainees become very busy. 6 exception reports were received over a 3 week period following the rota change and all were because 5 hours continuous rest has not occurred between 22.00 and 07.00. As a result, a review took place and a number of measures were put into place to ensure calls to the on call doctor were triaged and appropriate. There have been no further exceptions raised in relation to the Evington rota since September 2020.

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## Breaches incurring a financial penalty

The Guardian of Safe Working Hours reviews all exception reports to identify whether a breach has occurred which incurs a financial penalty. Where the breach is validated the doctor will be paid for the additional hours at penalty rates set out in the Terms and Conditions of Service (TCS) and the Guardian will levy a fine on the department. The money raised through fines must be used to benefit the education, training and working environment of trainees.

In 2020/21 fines been levied on 6 exceptions. This has resulted in an additional £857 in total being paid to the doctors raising the exceptions and £1429 to the Guardian fund.

The Junior Doctors Forum will monitor the Guardian fund and decide how to utilise it.

## Risk

The current issues present the following key risks for the Trust:

- ORR risk 4 - Services are unable to meet safe staffing requirements – alignment to Step Up To Great (SUTG) High Standards objective
- ORR risk 26 - Insufficient staffing levels to meet capacity and demand and provide quality services – alignment to SUTG Equality, Leadership and Culture objective
- ORR risk 27 - The health and well-being of our staff is not maintained and improved – alignment to SUTG Equality, Leadership and Culture objective
- Orr risk 28 - Delayed access to assessment and treatment impact on patient safety and outcomes – aligned to SUTG Access to Services objective

There is also a financial implication and risk that further Guardian of Safe Working fines will occur in the future.

## **Action Taken**

Concerns over achieving the required contracted rest remains for doctors on the StR rotas. However, a number of mitigations have been put into place, in consultation with the StRs, to ensure StRs remain safe whilst working on call. Next day compensatory rest is provided to address rest breaches and hotel accommodation is available if a doctor feels unsafe to drive home after an on call duty.

There is a small working group of StRs, the Director of Medical Education and the Trust Mental Health Act Assessment Lead to resolve issues. CCGs have contracted Section 12 Solutions, a Section 12 App to manage the availability of Section 12 approved doctors. The Trust Mental Health Act Assessment Lead is linked in with this project to ensure Trust governance. A proposal has been put forward to supply one LPT doctor for MHAA, in common with other Trusts, and for the second doctor to be sourced by the AMHP. Although this will help to ensure StRs receive rest overnight there is some reluctance as the StRs welcome the training the shifts provide.

## Decision required

The Trust Board can take assurance that the hours of work of medical trainees is monitored and issues are understood where breaches have occurred. Action is being taken to resolve the variance from the agreed work schedules for medical trainees working on the StR rota.

The trainees are engaged in discussions through increased attendance at the Junior Doctor Forum.

The following actions have been implemented:

- Small working group to include the Director of Medical Education, Guardian of Safe Working Hours, Medical Staffing Manager and StR reps, continues to meet to agree practical solutions to address overnight work intensity. This working group reports into the Junior Doctors Forum for oversight and sign off.
- Next day compensatory rest continues to be provided to any trainee that is unable to take the required rest overnight.
- Hotel accommodation continues to be provided to any trainee that feels unsafe to travel home after an on call duty.

The risks if the above actions are not supported could include:

- Impact on the health, well-being and safety of the care giver i.e. medical trainee
- Risk of burn out to the affected medical trainees
- That the rota is not compliant with the Junior Doctors Terms and Conditions of Service. Compliance can prevent guardian fines being levied.

The Trust Board is requested to acknowledge and support the above actions.

## Governance table

<b>For Board and Board Committees:</b>	Public Trust Board 29 <sup>th</sup> June 2021	
<b>Paper sponsored by:</b>	Dr Avinash Hiremath, Medical Director	
<b>Paper authored by:</b>	Angela Salmen, Medical Staffing & Revalidation Support Manager	
<b>Date submitted:</b>	22/06/2021	
<b>State which Board Committee or other forum within the Trust's governance structure, if any, have previously considered the report/this issue and the date of the relevant meeting(s):</b>	None	
<b>If considered elsewhere, state the level of assurance gained by the Board Committee or other forum i.e. assured/ partially assured / not assured:</b>	n/a	
<b>State whether this is a 'one off' report or, if not, when an update report will be provided for the purposes of corporate Agenda planning</b>	Annual report Next report will be in May 2022	
<b>STEP up to GREAT strategic alignment*:</b>	High Standards	x
	Transformation	
	Environments	
	Patient Involvement	
	Well Governed	
	Single Patient Record	
	Equality, Leadership, Culture	x
	Access to Services	x
	Trustwide Quality Improvement	
<b>Organisational Risk Register considerations:</b>	List risk number and title of risk	4 – Service are unable to meet safe staffing requirements; 26 – Insufficient staffing levels to meet capacity and demand and provide quality services; 27 – The health and well-being of our staff is not maintained and improved 28 – Delayed access to assessment and treatment impacts on patient safety and outcomes.
<b>Is the decision required consistent with LPT's risk appetite:</b>	Yes	
<b>False and misleading information (FOMI) considerations:</b>	None	
<b>Positive confirmation that the content does not risk the safety of patients or the public</b>	Yes	
<b>Equality considerations:</b>	None	

Log of Exception reports – 1<sup>st</sup> April 2020 – 31<sup>st</sup> March 2021

Date of Issue	Rota	Trainee Level	Reason for Breach	Resolution
04/07/20 Sat	StR East	StR	Rest (note 1)	Compensatory rest provided
06/07/20 Mon	StR West	StR	Rest (note 1)	Compensatory rest provided
12/07/20 Sun	StR East	StR	Rest (note 1)	Compensatory rest provided
14/07/20 Tues	StR East	StR	Rest (note 1)	Compensatory rest provided
14/07/20 Tues	StR West	StR	Rest (note 1)	Compensatory rest provided
04/08/20 Tues	StR West	StR	Rest (note 1)	Compensatory rest provided
10/08/20 Mon	Bradgate B	FY2	Covering for an absent trainee (locum cover not available)	Compensatory rest provided
18/08/20 Tues	StR West	StR	Rest (note 1)	Compensatory rest provided
22/08/20 Sat	Evington	CT	Rest (note 1)	Compensatory rest provided
29/08/20 Sat	Evington	CT	Rest (note 1)	Compensatory rest provided and payment of additional hours via Guardian fine
30/08/20 Sun	Evington	CT	Rest (note 1)	Compensatory rest provided and payment of additional hours via Guardian fine
01/09/20 Tues	Twilight	FY1	Worked 1 hour over shift	Compensatory rest provided
01/09/20 Tues	Evington	CT	Rest (note 1)	Compensatory rest provided
01/09/20 Tues	StR East	StR	Rest (note 1)	Compensatory rest provided and payment of additional hours via Guardian fine
01/09/20 Tues	StR West	StR	Rest (note 1)	Compensatory rest provided and payment of additional hours via Guardian fine
03/09/20 Thurs	Evington	FY2		Compensatory rest provided
04/09/20 Fri	StR West	StR	Rest (note 1)	Compensatory rest provided
08/09/20 Tues	Evington	CT	Rest (note 1)	Compensatory rest provided and payment of additional hours via Guardian fine
12/09/20 Sat	StR West	StR	Rest (note 1)	Compensatory rest provided
16/09/20 Wed	Bradgate B	CT	Worked 1 hour over shift	Compensatory rest provided
21/09/20 Mon	StR West	StR	Rest (note 1)	Compensatory rest provided
10/11/20 Tues	StR East	StR	Rest (note 1)	Compensatory rest provided and payment of additional hours via Guardian fine
29/01/21 Thurs	Bradgate A	CT	Worked 2 hours over shift	Compensatory rest provided
20/02/21 Sat	StR East	StR	Rest (note 1)	Compensatory rest provided

Note 1 - Expected rest whilst on call is 8 hours per 24 hour period, of which at least 5 hours should be continuous and occur between 22.00 and 07.00. In highlighted cases 5 hour continuous rest has not occurred between 22.00 and 07.00

Abbreviations:

StR	Specialty Registrar
CT	Core Trainee
FY1	Foundation Year 1 Trainee
FY2	Foundation Year 2 Trainee