

Public Trust Board – 25th July 2023

Report title

- Guardian of Safe Working Hours – Annual Report (April 2022 – March 2023)

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 15 Exception Reports were raised in the period April 2022 – March 2023. 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.

Between April 2022 and March 2023 , 15 exception reports were logged. A breakdown is provided in Appendix 1.

This is a decrease in the number compared to the 27 exception reports logged in the previous 12 months.

Of the 13 Exception reports, 7 were raised by one trainee and were all related to working overtime, missing educational opportunities during their regular working hours and were not related to on call issues.

A further 2 Exception reports were raised by a trainee having to cover the Bradgate unit alone whilst being on call and a locum could not be sourced.

The remaining 4 Exception reports were related to working overtime, not having rest , missed educational opportunities.

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 2022/2023, no fines were levied .

There have been no exception reports raised by higher trainees.
All the above Exception reports have been raised by Core trainees.

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.

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

For Board and Board Committees:	Public Trust Board 25 th July 2023	
Paper sponsored by:	Dr Saquib Muhammad , Medical Director	
Paper authored by:	Ashley J Jackson, Medical Staffing & Revalidation Support Manager	
Date submitted:	18.07.23	
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):	None	
If considered elsewhere, state the level of assurance gained by the Board Committee or other forum i.e. assured/ partially assured / not assured:	n/a	
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	Annual report Next report will be in July 2024	
STEP up to GREAT strategic alignment*:	High Standards	x
	Transformation	
	Environments	
	Patient Involvement	
	Well Governed	
	Reaching Out	
	Equality, Leadership, Culture	x
	Access to Services	x
	Trustwide Quality Improvement	
Organisational Risk Register considerations:	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.
Is the decision required consistent with LPT's risk appetite:	Yes	
False and misleading information (FOMI) considerations:	None	
Positive confirmation that the content does not risk the safety of patients or the public	Yes	
Equality considerations:	None	

Log of Exception reports – 1st April 2022 – 31st March 2023

Date of Issue	Rota	Trainee Level	Reason for Breach	Resolution
20.06.22	Bradgate	CT1	(Same trainee raised both exceptions)Covered Bradgate on call alone	Human error identified
21.06.22	Bradgate	CT1	Covered Bradgate on call alone	Locum was sourced according to medical staffing
05.12.22	Bradgate	CT1	(Same trainee raised both exceptions) over time and no rest hours	Discussed with supervisor and staffing issues resolved
05.12.22	Bradgate	CT1	As above	As above
09.02.2023	Bradgate	FY2	Overtime	Discussed with supervisor
02.03.23	Bradgate	CT1	Overtime	Discussed with supervisor and staffing issue reviewed
02.03.23	Bradgate	CT1	Missed educational opportunity	Same as above
02.03.23	Bradgate	CT1	Could not achieve lunch break	Same as above
03.03.23	Bradgate	CT1	Overtime	Discussed with supervisor and staffing issue reviewed
03.03.23	Bradgate	CT1	Overtime	Same as above
06.03.23	Bradgate	CT1	Overtime	Same as above
17.03.23	Bradgate	CT1	Missed educational opportunity	Discussed with DME and Clinical supervisor
31.03.21	Bradgate	CT1	Overtime	Discussed with Supervisor
31.03.21	Bradgate	CT1	Missed educational opportunity	Discussed with supervisor

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