

REPORT TO THE TRUST BOARD - 3 October 2019 - PUBLIC

Title	Quarterly Report on Safe Working Hours: Doctors in Training Quarter 1 2019/2020 1 April 2019 – 30 June 2019
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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, quantify and remedy any risks to the organisation.

Summary of Key Issues

- Exceptions to work schedules are increasing but still likely to be under-reported.
- Problems raised are being proactively addressed. Wider issues are managed through the Junior Doctor Forum and reports increasingly used to identify systems issues.
- No fines have been issued in the trust for serious breaches of working hour rules.
- Vacancies remain high at 11% of total junior doctor placements in the trust.

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

Improved experience of care	<input type="checkbox"/>	
Improved staff experience	<input checked="" type="checkbox"/>	Provides assurance about monitoring of working hours with impact on junior doctor staff satisfaction.
Improved value	<input type="checkbox"/>	
Improved population health outcome	<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 fourth report of Guardian of Safe Working Hours at ELFT to be presented to the Board.
- 1.2 The report has been prepared by the interim Guardian and covers reporting submitted from date of last report 1 April 2019 to 30 June 2019.
- 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 Number of posts for doctors in training and number of vacancies (as of August 2019) are listed in the table below. The rate remains at 11% overall, with large gaps in higher training posts in Beds and Luton. Foundation, core trainee and GP posts are largely filled.

Grade	Number of posts for doctors / dentists in training (total):		
	London	Beds & Luton	Total
FY 1 - 2	17	9	26
GPSTR	15	7	22
CT1-3	48	9	57
ST4-6	57	11	61
		TOTAL	166

Grade	Number of doctors in training on 2016 TCS (total):		
	London	Beds & Luton	Total
FY 1 - 2	17	9	26
GPSTR	14	7	21
CT1-3	48	7	55
ST4-6	50	4	54
		TOTAL	156

- 3.0 **Exception reports** (01.04.2019 – 30.06.2019) There were 58 reports in total in this quarter. 55 reports related to hours and rest and 3 related to education opportunities missed. No fines are due.

Exception reports by Directorate				
Directorate	No. exceptions carried over	No. exceptions raised	No. exceptions closed	No. exceptions outstanding
City and Hackney	0	9	9	0
Tower Hamlets	0	49	49	0
Luton	0	0	0	0
Bedfordshire	0	0	0	0
Newham	0	0	0	0
CAMHS	0	0	0	0
Total	0	58	58	0

- 3.1 The majority of reports have been in Tower Hamlets. A large amount came from a single post where there were problems with the more junior staff and with a heavy workload in the team. This was escalated to the clinical director and addressed. Some localities are not reporting exceptions. This is being raised locally.

Exception reports by Grade				
Directorate	No. exceptions carried over	No. exceptions raised	No. exceptions closed	No. exceptions outstanding
FY2	0	0	0	0
GP VTS	0	11	11	0
CT1-3	0	13	13	0
ST4-6	0	34	34	0
Total	0	58	58	0

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

Exception reports by Action				
Directorate	Payment	TOIL	Not agreed	N/A as no action required
City and Hackney	0	5	0	4
Tower Hamlets	39	4	0	6
Newham	0	0	0	0
Luton + Beds	0	0	0	0
CAMHS	0	0	0	0
Total	39	9	0	103

- 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	0	0
CT1-3	1	0	23	0
ST4-6	0	2	32	0
Total	1	2	55	0

- 3.4 The majority of reports are taking much more than 7 days to address. Supervisors are still unfamiliar with the electronic reporting system which delays the sign off. The software is widely agreed to be not fit for purpose. Response times of 7 days have now been added as a condition of the 2019 amendments to the 2016 Junior Doctor contract.

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 on the bank, including staff grade doctors. In some cases no locum has been found and an honorarium payment is given to trainee covering more than one bleep for more than 8 hours. This occurred on 6 occasions in the London localities in the period.

Directorate	Grade	April 2019	May 2019	June 2019	Int / bank / agency	Total n. shifts
City and Hackney (incl. Forensics)	CT	11	13	13	7 agency, 4 shifts covered by acting down, remaining 57 shifts internal locums	37
	HT	11	11	9		31
Newham	CT	33	20	12	1 agency, 10 bank shifts; 54 internal locums	65
Tower Hamlets	CT	9	15	10	No agency	34
Newham / TH	HT	6	2	2	No agency	10
Luton	CT	8	1	5	No agency	14
Beds	CT	5	3	3	No agency	11
Luton / Beds	HT	4	3	7	No agency	14
CAMHS	HT	0	1	0	1 agency	1
Total		87	69	61	9 agency shifts	217

5.0 Work schedule reviews

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

6.0 Fines

6.1 No fines have been levied

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, and issues 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, 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 April 2019 and June 2019 (3 months) 58 exception reports were raised. 3 relate to missing mandatory teaching. 55 relate to working over rostered hours. It is very likely that this is an under-representation of the actual breaches. If the workload as described in the anonymous GMC annual survey were reflected in exception reporting it would produce a figure 9 times greater than our current figure.

7.3 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.

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.

8.3 The trust has not been able to identify a way of paying trainees for exception reports generated at ELFT when they rotate to other trusts and leave the trust's payroll that does not impose a further administrative burden on trainees.

8.4 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 schedules.

8.5 The original 2016 junior doctor contract which BMA members initially rejected and had imposed in 2017 was finally agreed between NHS Employers and BMA on behalf of junior doctors with a member's vote and amendments in June 2019. Amendments to the contract include a number of new breaches that would attract a penalty fine. As a result the reporting process will require much closer monitoring.

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. There is ongoing work addressing under-reporting in specific localities.

- 9.2 Where workload issues are identified, trainees and supervisors have been engaged with Guardian and clinical directors in addressing issues individually.
- 9.3 Human resources will identify suitable means of paying trainees who have rotated to different trusts.
- 9.4 Chief Medical Officer will be investigating the rotation process to identify areas where improvements can be made.
- 9.5 Further qualitative data will be sought on the experience of exception reporting (any barriers) and ways of using information from reporting to improve the junior doctor experience at East London NHS Foundation Trust.

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 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.

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.