

<b>Title of Meeting</b>	HR Commercial Services Council	<b>Date</b>	30 <sup>th</sup> April 2024
<b>Agenda Item</b>	HRCSC0424/6		
<b>Report Title</b>	Lead Employer Report on Safe Working Hours: Doctors and Dentists in Training (October 2023 – December 2023)		
<b>Executive Lead</b>	Claire Scrafton, Deputy Director of HR and Governance		
<b>Presenting Officer</b>	Catherine Lothian, Assistant Director of HR (Lead Employer)		
<b>Action Required</b>	<input type="checkbox"/>	<b>To Approve</b>	<input checked="" type="checkbox"/> <b>To Note</b>
<b>Purpose</b>			
<p>Following the implementation of the Terms and Conditions of Service for NHS Doctors and Dentists in Training (England) 2016 the Guardian of Safe Working is required to ensure that issues of compliance of safe working hours are addressed by the doctor, employer, host organisation as appropriate and provide assurance to the Board of the employing organisation that doctors' working hours are safe.</p>			
<b>Executive Summary</b>			
<p>This paper pertains data relating to all Lead Employer (LE) Trainees including GP, Public and Mental Health Trainees who are based within acute host organisations, for which Mersey &amp; West Lancashire NHS Trust is the Lead Employer.</p> <ul style="list-style-type: none"> <li>From 107 organisations; data return rate 91.7%</li> <li>Affects 6,050 doctors under LE arrangements.</li> <li>Work schedule reviews – 23 North West 4 West Midlands 21 East of England.</li> <li>Fines issued – 19 within North-West 2 within West Midlands 6 within London &amp; South East 2 within Yorkshire &amp; Humber</li> </ul>			
<b>Financial Implications</b>			
Potential incurrence of fines and/or penalties owing to unsafe working practices			
<b>Quality and/or Equality Impact</b>			
Not Applicable			
<b>Recommendations</b>			
<p>The HR Commercial Services Council is asked to note the contents of this report.</p> <ol style="list-style-type: none"> <li>Assurance that the Lead Employer is complying with its contractual obligations under the 2016 terms and conditions (T&amp;Cs).</li> <li>Assurance that doctors and dentists in training are not working excessive hours and are getting appropriate access to educational opportunities.</li> </ol>			
<b>Strategic Objectives</b>			
	SO1 5 Star Patient Care – Care		
X	SO2 5 Star Patient Care - Safety		

	<b>SO3</b> 5 Star Patient Care - Pathways
	<b>SO4</b> 5 Star Patient Care – Communication
	<b>SO5</b> 5 Star Patient Care - Systems
X	<b>SO6</b> Developing Organisation Culture and Supporting our Workforce
	<b>SO7</b> Operational Performance
	<b>SO8</b> Financial Performance, Efficiency and Productivity
	<b>SO9</b> Strategic Plans

## GoSW Lead Employer Report – Mr Mike Chadwick – October 2023 – December 2023

### Introduction

Following the implementation of the Terms and Conditions of Service for NHS Doctors and Dentists in training (England) 2016 the Guardian of safe working is required to ensure that issues of compliance of safe working hours are addressed by the doctor, employer and host organisation as appropriate and provide assurance to the Board of the employing organisation that doctors' working hours are safe.

This report covers the period of October 2023 – December 2023.

### 1. High level data

Total number of host organisations	<b>107</b>	
Total number of host organisations returned exception report data	Number of organisations	% return rate
	<b>100</b>	<b>91.7%</b>

The table below shows the number of trainees split by region on the 2016 contract:

Region	Total number of Doctors employed under the 2016 Terms & Conditions of Service	Total number of Doctors employed under the 2016 Terms & Conditions of Service based within acute host organisations
North-West	6387	4538
West Midlands	1815	467
East Midlands	1370	329
East of England	1677	517
LaSE	51	25
Thames Valley	509	140
York & Scarborough	118	34
<b>TOTAL</b>	<b>11,927</b>	<b>6,050</b>

### 3. Exception reports (regarding working hours)

Exception reporting is the mechanism used by trainees subject to the Terms and Conditions of Service for NHS Doctors and Dentists in training (England) 2016 to notify the trust when their day-to-day work varies significantly, or regularly from their agreed work schedule.

Of those host organisations who have returned exception report data, Appendix 1 sets out the exception reports made during October 2023 – December 2023. This includes the number of exception reports that have been raised and closed, what outcome was given and how many are outstanding/on-going.

#### 4. Fines

##### Breakdown of GoSW fines levied during October 2023 – December 2023

Trust	No.of fines levied	Values of fines levied
Central & NW London NHS FT	6	£1,531.34
Manchester University NHS Foundation Trust	19	£12,198.45
Tees, Esk and Wear Valleys NHS Foundation Trust	2	£122.08
University Hospital Birmingham NHS Foundation Trust	2	£27.59
<b>Totals</b>	<b>29</b>	<b>£13,879.46</b>

#### 5. Work Schedule Reviews

The non-elective service rota and work schedule (which is a pattern of work during elective duties) is a document distributed to trainees before they commence their placement with the host Trust. It includes generic information relating to the placement, such as learning opportunities, the rota template and pay details. The work schedule is adjusted locally by clinical/educational supervisors to suit the individual training needs of the trainee. If sufficient evidence from ERs suggests a trainee's work schedule is considered too onerous or likely to significantly affect training then a review is recommended so as to effect a change more suitable to the training needs of the trainee, either as an individual or in the case of the department as a whole a rota change.

Trust	No.of work schedule reviews
Lancashire Care & South Cumbria	8
Manchester University NHS Foundation Trust	13
Liverpool Women's NHS FT	1
Wirral University Hospitals NHS Trust	1
University Hospital Birmingham NHS Foundation Trust	4
East and North Hertfordshire NHS Trust	21
<b>Totals</b>	<b>48</b>

#### 6. Issues arising and actions taken to resolve issues

As the rate of return has been low across previous reports, work has been undertaken by the Lead Employer Team to ensure requests for return of information are being received by the appropriate colleagues locally; this

included ensuring our list of trust-based Guardians remains current and the appropriate administrative staff are also in receipt of information requests to ensure responses are received by Lead Employer when absence may occur.

As a result of this work rates of return have increased from historic rates of ca.66% and for this quarter from 88.9% to 91.7%. This means that the data can be regarded as representative allowing for more reliable monitoring of trends across the patch.

Lead Employer continues to work with organisations with no return received to ensure an understanding of our reporting responsibilities as the employer.

## **7. Conclusion and Recommendations**

The GOSW is assured with the overall safety of working hours across the host organisations for trainees under the 2016 Terms and Conditions based on evidence from the exception reports submitted thus far. Concern for the safety of patients and wellbeing of their doctor providers is paramount and departments, whilst presenting increased opportunities for experience and learning (particularly in “craft specialties”), should be mindful of the need to control the hours limits set for these individuals despite the need to apply additional work as part of the NHS recovery plan.

The GOSW would ask the Board to note this report and to consider the assurances provided thus far.

**END**

## Appendix 1 - Table of Exception Reports by Host organisation

Trust	No.at CT1/2 Level		No. given TOIL or payment CT1/2				No.at ST3+ Level		No. given TOIL or Payment ST3+			
	Raised	Closed	TOIL	Payment	Other Please Specify	No. that are on-going	Raised	Closed	TOIL	Payment	Other - Please Specify	No. that are on-going
<b>North West</b>												
Alder Hey Children's NHS Foundation Trust	1	1	0	0	1 X No Further Action	0	6	6	0	1	5 x No Further Action	0
Blackpool Teaching Hospitals NHS FT	6	5	3	0	2 X No Further Action	1	0	0	0	0	0	0
Betsi Cadwaladr	0	0	0	0	0	0	0	0	0	0	0	0
Bolton Hospital NHS Trust	5	5	1	4	0	0	3	2	0	2	0	1
Bridgewater Community Healthcare NHS Trust	0	0	0	0	0	0	0	0	0	0	0	0
Cheshire and Wirral Partnership NHS Trust	7	7	2	0	5 X No Further Action	0	0	0	0	0	0	0
The Christie Hospital NHS FT	1	1	1	0	0	0	16	15	0	1	0	1
The Clatterbridge Centre	3	3	3	0	0	0	0	0	0	0	0	0
The Countess of Chester NHS FT	7	7	0	6	1 x Education	0	4	4	4	0	0	0
East Cheshire NHS Trust	3	0	0	0	0	3	2	0	0	0	0	2
East Lancashire Hospitals NHS Trust	6	6	1	4	1x No Further Action	0	12	12	12	0	0	0
Greater Manchester Mental Health FT	5	5	5	0	0	0	0	0	0	0	0	0

Lancashire Care & South Cumbria	8	8	7	1	0	0	0	0	0	0	0	0
Lancashire Teaching Hospitals NHS FT	8	8	8	0	0	0	22	9	6	3	0	13
Liverpool Heart and Chest Hospitals NHS FT	0	0	0	0	0	0	0	0	0	0	0	0
Liverpool University Hospitals (Aintree / Royal Lpool)	10	4	1	3	0	6	1	1	1	0	0	0
Liverpool Women's NHS FT	5	5	3	2	0	0	0	0	0	0	0	0
Manchester University NHS Foundation Trust	61	50	7	40	3 x Initial decision upheld	11	57	55	7	38	8 x No further action 2 x initial decision upheld	2
Mersey Care / Mid Mersey NHS FT	0	0	0	0	0	0	1	1	1	0	0	0
Mid Cheshire Hospitals NHS FT	3	2	2	0	0	1	0	0	0	0	0	0
Morecambe Bay Hospitals NHS Trust	4	4	0	4	0	0	2	2	1	0	1 x No Action Required	0
Nobles Hospital	0	0	0	0	0	0	0	0	0	0	0	0
Northern Care Alliance (Pennine Acute / Salford Royal)	40	20	11	7	2 x No Action	20	14	7	3	1	3 x No Action	7
Pennine Care Foundation Trust NHS FT	1	1	1	0	0	0	3	3	3	0	0	0
Southport and Ormskirk NHS FT (MWL NHS Trust)	9	9	0	9	0	0	0	0	0	0	0	0
St Helens & Knowsley NHS FT (MWL NHS Trust)	4	1	1	0	0	3	8	3	1	0	2 x No Action Required	5
Stockport NHS Foundation Trust	0	0	0	0	0	0	0	0	0	0	0	0
Tameside & Glossop Acute NHS Trust	35	35	4	26	1* Not Agreed - No	0	23	23	0	17	2* Not Agreed - No	0

					Action 4* Agreed - No Action						Action 4* Agreed - No Action	
Walton Centre for Neurology NHS Trust	2	0	0	0	0	2	6	2	2	0	0	4
Warrington and Halton Hospitals NHS FT	7	7	2	5	0	0	0	0	0	0	0	0
Wirral University Hospitals NHS Trust	26	26	1	19	6 x No Action Require d	0	0	0	0	0	0	0
Wrightington, Wigan and Leigh NHS FT	17	17	0	14	2 x no further action 1 cancelle d to be resubmi tted	0	0	0	0	0	0	0
<b>West Midlands</b>												
Birmingham And Solihull Mental Health NHS FT	0	0	0	0	0	0	0	0	0	0	0	0
Birmingham Women & Children's Hospital NHS FT	0	0	0	0	0	0	0	0	0	0	0	0
Birmingham Community Healthcare NHS Trust	0	0	0	0	0	0	0	0	0	0	0	0
Black Country Healthcare FT	0	0	0	0	0	0	0	0	0	0	0	0
Coventry And Warwickshire Partnership NHS Trust	0	0	0	0	0	0	0	0	0	0	0	0
University Hospital Derby & Burton Hospitals NHS FT	3	3	3	0	0	0	0	0	0	0	0	0
George Eliot Hospital NHS Trust	0	0	0	0	0	0	0	0	0	0	0	0



Midlands Partnership NHS FT	0	0	0	0	0	0	0	0	0	0	0	0
North Staffordshire Combined NHS	0	0	0	0	0	0	0	0	0	0	0	0
Robert Jones & Agnes Hunt Orthopaedic Hospital NHS	0	0	0	0	0	0	1	1	1	0	0	0
Sandwell And West Birmingham Hospitals NHS Trust	0	0	0	0	0	0	0	0	0	0	0	0
Shrewsbury And Telford Hospital NHS Trust	0	0	0	0	0	0	0	0	0	0	0	0
South Warwickshire NHS Foundation Trust	0	0	0	0	0	0	0	0	0	0	0	0
The Dudley Group NHS FT	0	0	0	0	0	0	0	0	0	0	0	0
The Gloucestershire Health and Care NHS FT												
The Royal Orthopaedic Hospital NHS FT	0	0	0	0	0	0	0	0	0	0	0	0
The Royal Wolverhampton NHS Trust	0	0	0	0	0	0	5	5	0	5	0	0
University Hospital Birmingham NHS Foundation Trust	0	0	0	0	0	0	9	9	5	4	0	0
University Hospitals Coventry and Warwickshire NHS Trust												
University Hospitals of North Midlands NHS Trust	0	0	0	0	0	0	0	0	0	0	0	0
Walsall Healthcare NHS Trust	0	0	0	0	0	0	0	0	0	0	0	0
Worcestershire Acute Hospitals NHS Trust	2	0	0	0	0	2	0	0	0	0	0	0
Worcestershire Health and Care NHS Trust	3	1	1	0	0	3	2	2	0	1	1 x No Action Required	0
Wye Valley NHS Trust	0	0	0	0	0	0	0	0	0	0	0	0
<b>East Midlands</b>												
Derbyshire Healthcare NHS FT	0	0	0	0	0	0	0	0	0	0	0	0
Chesterfield Royal Hospital NHS Trust	1	1	0	1	0	0	0	0	0	0	0	0

Kettering General Hospital NHS FT	1	1	0	1	0	0	0	0	0	0	0	0
Leicestershire Partnership NHS Trust	0	0	0	0	0	0	0	0	0	0	0	0
Lincolnshire Partnership NHS FT	0	0	0	0	0	0	0	0	0	0	0	0
Northampton General Hospital NHS Trust	0	0	0	0	0	0	0	0	0	0	0	0
Northamptonshire Healthcare NHS FT	7	7	7	0	0	0	0	0	0	0	0	0
Nottingham University Hospitals NHS Trust												
Nottinghamshire Healthcare NHS FT	0	0	0	0	0	0	0	0	0	0	0	0
Sherwood Forest Hospitals NHS FT	1	1	1	0	0	0	0	0	0	0	0	0
United Lincolnshire Hospitals NHS Trust	0	0	0	0	0	0	0	0	0	0	0	0
University Hospitals of Leicester NHS Trust	11	10	9	1	0	1	0	0	0	0	0	0
<b>East Of England</b>												
Bedford Hospital NHS Trust	1	1	0	1	0	0	25	25	0	25	0	0
Cambridge University Hospitals NHS FT	1	1	0	1	0	0	0	0	0	0	0	0
Cambridgeshire and Peterborough NHS FT	0	0	0	0	0	0	0	0	0	0	0	0
East and North Hertfordshire NHS Trust	29	14	12	2	0	15	0	0	0	0	0	0
East London Foundation Trust	0	0	0	0	0	0	0	0	0	0	0	0
Hertfordshire Partnership NHS FT	6	6	0	6	0	0	0	0	0	0	0	0
East Suffolk and North Essex NHS FT	8	4	0	4	0	4	0	0	0	0	0	0
James Paget University Hospitals NHS FT	16	16	2	14	0	0	18	18	18	0	0	0
Luton & Dunstable University Hospital NHS FT	0	0	0	0	0	0	0	0	0	0	0	0
Mid & South Essex Hospital Services NHS Trust	1	1	0	1	0	0	0	0	0	0	0	0
Norfolk and Norwich University Hospitals NHS FT	4	4	0	4	0	0	0	0	0	0	0	0
Norfolk and Suffolk NHS FT	1	1	0	1	0	0	0	0	0	0	0	0

North-West Anglia NHS FT	23	18	2	16	0	5	0	0	0	0	0	0
Essex Partnership University NHS FT	0	0	0	0	0	0	0	0	0	0	0	0
Basildon & Thurrock University Hospital (Mid & South Essex Trust Reporting separately)	4	4	4	0	0	0	0	0	0	0	0	0
The Princess Alexandra Hospital NHS												
The Queen Elizabeth Hospital, King's Lynn, NHS FT	0	0	0	0	0	0	0	0	0	0	0	0
Southend University Hospital (Mid & South Essex Trust Reporting separately)	0	0	0	0	0	0	0	0	0	0	0	0
West Hertfordshire Hospitals NHS Trust	0	0	0	0	0	0	0	0	0	0	0	0
West Suffolk NHS FT	2	0	0	0	0	2	0	0	0	0	0	0
<b>LaSE</b>												
Central & NW London NHS FT	13	6	3	1	1 x No Action Required 1 x Fine	7	10	10	0	4	5 x Fine 1x No Action	0
Chelsea & Westminster Hospital NHS Trust	0	0	0	0	0	0	0	0	0	0	0	0
Guy's & St Thomas' NHS FT	0	0	0	0	0	0	0	0	0	0	0	0
King's College Hospital NHS FT	0	0	0	0	0	0	0	0	0	0	0	0
London Northwest Healthcare NHS Trust	0	0	0	0	0	0	0	0	0	0	0	0
Royal Free London NHS FT	0	0	0	0	0	0	0	0	0	0	0	0
Royal Surrey County Hospital NHS FT	0	0	0	0	0	0	0	0	0	0	0	0
St George's University Hospitals NHS Trust												
Barts Health NHS FT	0	0	0	0	0	0	0	0	0	0	0	0
<b>Thames Valley</b>												
Buckinghamshire Healthcare NHS Trust	10	7	1	6	0	3	0	0	0	0	0	0
Frimley Health Foundation Trust	0	0	0	0	0	0	0	0	0	0	0	0

Milton Keynes University Hospital FT	0	0	0	0	0	0	0	0	0	0	0	0
Oxford Health NHS FT					2 x No Action Require d							
	2	2	0	0		0	0	0	0	0	0	0
Oxford University Hospital FT												
Royal Berkshire Healthcare FT												
The Royal Marsden NHS FT	0	0	0	0	0	0	0	0	0	0	0	0
Berkshire Healthcare FT	0	0	0	0	0	0	0	0	0	0	0	0
<b>Yorkshire &amp; Humber</b>												
Tees, Esk and Wear Valleys NHS FT	3	3	0	3	0	0	0	0	0	0	0	0
York & Scarborough Teaching Hospitals NHS FT	1	1	1	0	0	0	0	0	0	0	0	0

KEY:

N/A	Not applicable / No Action Required
	No return received