NHS
Mersey and West Lancashire Teaching Hospitals
NHS Trust

Title of Meeting	HR Commercial Services Council		Date	23rd January 2024	
Agenda Item	HRCSC0124/7				
Report Title	Lead Employer Report on Safe Working Hours: Doctors and Dentists in Training (July 2023 - September 2023)				
Executive Lead	Claire Scrafton, Deputy Director of HR and Governance				
Presenting Officer	Catherine Lothian, Assistant Director of HR (Lead Employer)				
Action Required		To Approve		X	To Note

Purpose

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.

Executive Summary

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 & West Lancashire NHS Trust is the Lead Employer.

- From 106 organisations; return rate 88.9%
- Affects 5,795 doctors under LE arrangements.
- Work schedule reviews – 15 within the North-West region & 1 within West Midlands.
- Fines issued - 24 within the North-West region & 3 within West Midlands.

Financial Implications

Potential incurrence of fines and/or penalties owing to unsafe working practices

Quality and/or Equality Impact

Not Applicable

Recommendations

The HR Commercial Services Council is asked to note the contents of this report.
1. Assurance that the Lead Employer is complying with its contractual obligations under the 2016 terms and conditions.
2. Assurance that doctors and dentists in training are not working excessive hours and are getting appropriate access to educational opportunities.

Strategic Objectives

	SO1 5 Star Patient Care – Care	
X	**SO2** 5 Star Patient Care - Safety	
	SO3 5 Star Patient Care - Pathways	

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

GoSW Lead Employer Report – Mr Mike Chadwick – July 23 to September 23

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 July 2023 – September 2023.

1. High level data

Total number of host organisations	106	
Total number of host organisations returned exception report data	Number of organisations	% return rate
	95	88.9%

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	6806	1807
West Midlands	1891	1339
East Midlands	1436	1004
East of England	1751	1194
LaSE	48	23
Thames Valley	537	338
York & Scarborough	124	90
TOTAL	**12,593**	**5,795**

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 July 2023 to September 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 July 2023 – September 2023.

Trust	No.of fines levied	Values of fines levied
Alder Hey Children's NHS Foundation Trust	3	£974.08
Lancashire Care & South Cumbria	3	£993.15
Manchester University NHS Foundation Trust	15	£12,459.73
Morecambe Bay Hospitals NHS Trust	3	£160.43
University Hospital Birmingham NHS Foundation Trust	1	£325.05
Herefordshire and Worcestershire Health and Care NHS Trust	2	Awaiting calculation
Totals	**27**	**£14,912.44**

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.

There were 14 work schedule reviews undertaken by Manchester University NHS Foundation Trust, 1 undertaken by Betsi Cadwaladr & 1 undertaken by University Hospital Birmingham NHS Foundation Trust between the period of July 2023 to September 2023.

6. Issues arising and actions taken to resolve issues

As the rate of return has remained steady 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 for this quarter from **83.7% to 88.9%**. We continue 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 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 post pandemic recovery.

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
North West												
Alder Hey Children's NHS Foundation Trust	0	0	0	0	0	0	5	5	0	4	1 x no action required	0
Betsi Cadwaladr	0	0	0	0	0	0	0	0	0	0	0	0
Blackpool Teaching Hospitals NHS FT	0	0	0	0	0	0	0	0	0	0	0	0
Bridgewater Community Healthcare												
Bolton Hospital NHS Trust	9	6	2	4	0	3	2	2	0	2	0	0
Cheshire and Wirral Partnership NHS Trust	3	3	0	1	2 x no action required	0	1	1	0	0	1 x no action required	0
The Christie Hospital NHS FT	2	1	1	0	0	1	0	0	0	0	0	0
The Clatterbridge Centre	9	9	9	0	0	0	0	0	0	0	0	0
The Countess of Chester NHS FT	22	8	4	4	0	14	45	38	6	29	3x no action required	7
East Cheshire NHS Trust	3	0	0	0	0	3	0	0	0	0	0	0
East Lancashire Hospitals NHS Trust	5	5	4	1	0	0	1	1	1	0	0	0
Greater Manchester Mental Health FT	22	15	8	2	5 x no further action	7	4	3	1	0	2 x no further action	1

Lancashire Care & South Cumbria	2	2	1	1	0	0	8	7	7	0	0	1
Lancashire Teaching Hospitals NHS FT	6	6	6	0	0	0	22	22	5	17	0	0
Liverpool Heart and Chest Hospitals NHS FT	0	0	0	0	0	0	0	0	0	0	0	0
Liverpool University Hospitals (Aintree / Royal Liverpool)	2	2	0	2	0	0	2	1	1	0	0	1
Liverpool Women's NHS FT	0	0	0	0	0	0	1	1	1	0	0	0
Manchester University NHS Foundation Trust	34	33	1	27	5 x no further action	1	80	69	4	60	5x no further action	11
Mersey Care NHS FT / MC Mid Mersey	0	0	0	0	0	0	0	0	0	0	0	0
Mid Cheshire Hospitals NHS FT	4	0	0	0	0	4	0	0	0	0	0	0
Morecambe Bay Hospitals NHS Trust	13	11	5	2	4 x no action required	2	1	1	1	0	0	0
Nobles Hospital	0	0	0	0	0	0	0	0	0	0	0	0
Northern Care Alliance (Pennine Acute/Salford Royal)	49	46	40	2	4 x no action required	3	28	26	22	1	3 X No Action Required	2
Pennine Care Foundation Trust NHS FT	0	0	0	0	0	0	0	0	0	0	0	0
Southport and Ormskirk (MWL NHS Trust)	5	5	0	5	0	0	0	0	0	0	0	0
St Helens & Knowsley (MWL NHS Trust)	0	0	0	0	0	0	7	1	0	1	0	6
Stockport NHS Foundation Trust	4	4	4	0	0	0	3	3	3	0	0	0
Tameside & Glossop Acute NHS Trust	33	26	6	16	4 x no action required	7	19	17	0	17	0	2
Walton Centre for Neurology NHS Trust												
Warrington and Halton Hospitals NHS FT	1	0	0	0	0	1	7	7	0	7	0	0
Wirral University Hospitals NHS Trust												
Wrightington, Wigan and Leigh NHS FT	6	6	0	6	0	0	0	0	0	0	0	0

West Midlands												
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	5	5	5	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	0	0	0	0	0	0
Sandwell And West Birmingham Hospitals NHS Trust												
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 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	0	0	0	0	0	0
University Hospital Birmingham NHS Foundation Trust	1	1	0	1	0	0	5	2	0	2	0	3
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

Trust												
Worcestershire Acute Hospitals NHS Trust	0	0	0	0	0	0	0	0	0	0	0	0
Worcestershire Health and Care NHS Trust	1	1	1	0	0	0	2	2	2	0	0	0
Wye Valley NHS Trust	0	0	0	0	0	0	0	0	0	0	0	0
East Midlands												
Derbyshire Healthcare NHS FT	0	0	0	0	0	0	0	0	0	0	0	0
Chesterfield Royal Hospital NHS Trust	0	0	0	0	0	0	0	0	0	0	0	0
Kettering General Hospital NHS FT	0	0	0	0	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	1	1	0	1	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	5	5	1	4	0	0	0	0	0	0	0	0
Nottinghamshire Healthcare NHS FT	0	0	0	0	0	0	0	0	0	0	0	0
Sherwood Forest Hospitals NHS FT	1	1	0	0	1 x no action required	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	6	6	5	1	0	0	0	0	0	0	0	0
East Of England												
Bedford Hospital NHS Trust	1	1	0	1	0	0	18	16	0	16	0	2
Cambridge University Hospitals NHS FT	0	0	0	0	0	0	2	2	0	2	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												
East London Foundation Trust	0	0	0	0	0	0	0	0	0	0	0	0
Hertfordshire Partnership NHS FT	2	2	2	0	0	0	0	0	0	0	0	0

East Suffolk and North Essex NHS FT	0	0	0	0	0	0	0	0	0	0	0	0
James Paget University Hospitals NHS FT	0	0	0	0	0	0	0	0	0	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	4	4	0	4	0	0	0	0	0	0	0	0
Norfolk and Norwich University Hospitals NHS FT	1	1	0	1	0	0	0	0	0	0	0	0
Norfolk and Suffolk NHS FT	0	0	0	0	0	0	0	0	0	0	0	0
North-West Anglia NHS FT	10	10	3	6	1x Education so no TOIL or payment owed	0	0	0	0	0	0	0
Essex Partnership University NHS FT	1	1	1	0	0	0	0	0	0	0	0	0
Basildon & Thurrock University Hospital **(Mid & South Essex Trust Reporting separately)**	4	4	1	3	0	0	0	0	0	0	0	0
The Princess Alexandra Hospital NHS												
The Queen Elizabeth Hospital, King's Lynn, NHS FT	3	1	1	0	0	2	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	0	0	0	0	0	0	0	0	0	0	0	0
LaSE												
Central & NW London NHS FT												
Chelsea & Westminster Hospital NHS Trust	5	5	2	3	0	0	0	0	0	0	0	0
Guy's & St Thomas' NHS FT	0	0	0	0	0	0	2	2	0	2	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
Thames Valley												
Buckinghamshire Healthcare NHS Trust	9	6	2	4	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	0	0	0	0	0	0	0	0	0	0	0	0
Oxford University Hospital FT												
Royal Berkshire Healthcare FT	1	1	0	1	0	0	0	0	0	0	0	0
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
Yorkshire & Humber												
Tees, Esk and Wear Valleys NHS FT												
York & Scarborough Teaching Hospitals NHS FT	0	0	0	0	0	0	0	0	0	0	0	0

KEY:

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