

<b>Title of Meeting</b>	HR Commercial Service Council	<b>Date</b>	24 <sup>th</sup> October 2023
<b>Agenda Item</b>	MWL HRCSC1023/7		
<b>Report Title</b>	Lead Employer Report on Safe Working Hours (GP Trainees, Public Health & Trusts with less than 10 Trainees)		
<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 &amp; Conditions of service for NHS Doctors and Dentists in training (England) 2016 the Guardian of Safe Working Hours 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.</p>			
<b>Executive Summary</b>			
<p>This paper pertains to employees of the Trust under the Terms &amp; Conditions of service for NHS Doctors and Dentists in training. It covers the period from <b>April 2023 to June 2023</b>. The data held within the report relates to Lead Employer Trainees based within setting such as GP Practice, Public Health, Sports Exercise Medicine, Palliative Medicine and Trusts with less than 10 Trainees who are employed under the Terms &amp; Conditions of service for NHS Doctors and Dentists in training (England) 2016.</p>			
<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.</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> ( <i>Indicate which of the Trust's strategic objectives this paper helps to deliver and insert 'X' in relevant box and delete red text</i> )			
	<b>SO1</b> 5 Star Patient Care – Care		
X	<b>SO2</b> 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

□

## Name of Report

### 1. 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, host organisation as appropriate and provide assurance to the Board of the employing organisation that Doctors' working hours are safe.

The following report covers the period from April 2023 – June 2023.

As part of the Terms and Conditions of Service for NHS Doctors and Dentists in training (England) 2016 all trainee Doctors are provided an opportunity to report exceptions to their standard work schedules, as set out below:

- Working beyond the average weekly hours limit
- Extended hours of work beyond their expected shift length
- Breaches of weekend or night work frequency
- Failure of opportunity to take adequate natural rest breaks.
- Failure of opportunity to attend formal teaching sessions in their work schedule.
- Lack of support available to doctors during service commitments

### 2. High Level Data

<b>Number of Doctors/Dentist in training on 2016 Terms and Conditions (total)</b>	11,432
<b>Number of Doctors/Dentist based within a placement with less than 10 Trainees</b>	5014
<b>Amount of time available in job plan for guardian role</b>	1.5 PA
<b>Admin support provided to the guardian</b>	1.0 WTE

#### 1. 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.

Region	Number Raised / Closed		Decision Outcome			No. that are on-going
	Raised	Closed	TOIL	Payment	Other	
North-West	0	0	0	0	0	0
West Midlands	0	0	0	0	0	0
East Midlands	5	5	5	0	0	0
East of England	0	0	0	0	0	0
London & South East	0	0	0	0	0	0
Thames Valley	2	2	2	0	0	0
Yorkshire & Humber (From May 2023)	0	0	0	0	0	0
<b>Total</b>	<b>7</b>	<b>0</b>	<b>7</b>	<b>0</b>	<b>0</b>	<b>0</b>

Where a trainee raises an exception report this must be acted upon by Educational Supervisors (delegated to Clinical Supervisors.) This may result in no further action, time off in lieu (TOIL) or recommendation for payment for extra hours worked. In addition, there are certain breaches which necessitate a fine for the involved department which is reinvested in part back to the trainee and in part in training and educational activity.

#### 4. Work schedule reviews

The work schedule is a document distributed to trainees before they commence their placement within their host trust/organisation. It includes generic information relating to the placement such as learning opportunities, Rota template information and pay details.

In this reporting period there has been no work schedule reviews for any of the regions.

#### 5. Fines

There were no fines Levied in this reporting period.

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

The most recent Junior Doctor Forums were held in June 2023. The attendance at the forums was low but the Lead Employer team have a comprehensive communications plan to highlight the forum weeks in advance of the meeting.

Dr Arthur believes that individuals usually only attend the JDFs he leads if they have an issue to raise, otherwise they are generally happy in their placement.

#### 7. Summary

Exception reporting figures are low within the period of April 2023 –June 2023.

## **8. Conclusion and Recommendations**

There is steady but small number of PGDiT that contact the guardian directly and this usually results in a local resolution.

The Guardian is assured with the overall safety of working hours across the host organisations for trainees under the 2016 Terms & Conditions based on evidence from the exception reports submitted thus far. The Guardian would ask the Board to note this report and to consider assurances provided thus far.

**END**