

Title of Meeting	HR Commercial Services Council	Date	24 th October 2023
Agenda Item	MWL HRCSC1023/7		
Report Title	Lead Employer Report on Safe Working Hours: Doctors and Dentists in Training (April 2023 - June 2023)		
Executive Lead	Claire Scrafton, Deputy Director of HR and Governance		
Presenting Officer	Catherine Lothian, Assistant Director of HR (Lead Employer)		
Action Required	<input type="checkbox"/>	To Approve	<input checked="" type="checkbox"/> To Note
Purpose			
<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>			
Executive Summary			
<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 & West Lancashire Teaching Hospitals NHS Trust is the Lead Employer.</p> <p>From 104 organisations; return rate 83.7% Affects 6,041 doctors under LE arrangements. Work schedule reviews – 2 within the North-West region. Fines issued - 38 within the North-West region.</p>			
Financial Implications			
Potential incurrence of fines and/or penalties for host organisations owing to unsafe working practices			
Quality and/or Equality Impact			
<i>Not Applicable</i>			
Recommendations			
<p>The HR Commercial Services Council is asked to note the contents of this report.</p> <ol style="list-style-type: none"> 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 – April 23 to June 23

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 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 April 2023 – June 2023.

2. High level data

Total number of host organisations	104	
Total number of host organisations returned exception report data	Number of organisations	% return rate
	87	83.7%

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	6238	2402
West Midlands	1685	1263
East Midlands	1250	1060
East of England	1498	967
LaSE	49	23
Thames Valley	483	326
TOTAL	11,203	6,041

The above figures do not include Trainees currently Out Of Programme

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 April 2023 to June 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 April 2023 – June 2023.

Trust	No.of fines levied	Values of fines levied
Alder Hey Children’s NHS Foundation Trust	4	£1,318.14
Cheshire and Wirral Partnership NHS Trust	1	Not yet determined
East Cheshire NHS Trust	2	£2,956.00
Manchester University NHS Foundation Trust	31	£27,545.87
Totals	38	£31,820.01

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 2 work schedule reviews undertaken by Manchester University NHS Foundation Trust between the period of April 2023 – June 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 within host organisations. This included ensuring the 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 66.99% to 83.7%. 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

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	21	19	11	8	0	2	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	0	0	0	0	0	0	0	0	0	0	0	0
The Royal Marsden NHS FT	1	0	0	0	0	1	0	0	0	0	0	0
Berkshire Healthcare FT	0	0	0	0	0	0	0	0	0	0	0	0

KEY:

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