

<b>Title of Meeting</b>	HR Commercial Services Council		<b>Date</b>	15 <sup>th</sup> April 2025
<b>Agenda Item</b>	HRCSC0425/7a			
<b>Report Title</b>	Lead Employer Report on Safe Working Hours: Doctors and Dentists in Training (October 2024 – December 2024)			
<b>Executive Lead</b>	Claire Scrafton, Deputy Director of HR and Governance			
<b>Presenting Officer</b>	Joanne Redhead, Assistant Director of HR (Lead Employer)			
<b>Action Required</b>		<b>To Approve</b>	<b>X</b>	<b>To Note</b>
<b>Purpose</b>				
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.				
<b>Executive Summary</b>				
<p>This paper provides information 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. In summary this relates to:</p> <ul style="list-style-type: none"> <li>• From 103 organisations; data return rate 90.3%</li> <li>• Affects 12,969 doctors under LE arrangements.</li> <li>• Work schedule reviews – 17 North West 2 East of England.</li> <li>• Fines issued – 18 within North-West 10 within East Midlands 1 within London &amp; South East 1 within Yorkshire &amp; Humber</li> </ul> <p>Totalling to £12,924.78</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 and assurance that:</p> <ol style="list-style-type: none"> <li>1. The Lead Employer is complying with its contractual obligations under the 2016 terms and conditions (T&amp;Cs).</li> <li>2. 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>	
	<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

## GoSW Lead Employer Report – Mr Mike Chadwick – October 2024 – December 2024

### 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 2024 – December 2024.**

#### 1. High Level Data

<b>Total number of host organisations</b>	<b>103</b>	
Total number of host organisations returned exception report data	Number of organisations	% return rate
	<b>93</b>	<b>90.3%</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	7077	2579
West Midlands	1890	1333
East Midlands	1491	1132
East of England	1785	1301
LaSE	53	21
Thames Valley	532	396
York & Scarborough	132	94
<b>TOTAL</b>	<b>12,969</b>	<b>6856</b>

#### 2. 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. Previously these would be scrutinised by clinical/educational supervisors to assess suitability for compensation in the form of rest or pay. For excess work <2hours this is now automatically paid through HR without clinical scrutiny and represents a potential risk of increase spend for host trusts without a means of checking on the safety of working hours which may better be compensated with rest. It removes some of the burden for clinical supervisors and reduces delays in processing but without checks of appropriateness. Of those host organisations who have returned exception report data, Appendix 1 sets out the exception reports made during October 2024 – December 2024. This includes the number of exception reports that have been raised and closed, what outcome was given and how many are outstanding/on-going.

### 3. Fines

Fines are issued for breaches of safe working patterns as defined in the Ts & Cs of the contract. These are currently at a low level per capita per host. The guardian is continually overseeing for areas of concern to explain these fines.

#### Breakdown of GoSW fines levied during October 2024 – December 2024

Trust	Number of fines levied	Values of fines levied
Greater Manchester Mental Health FT	3	£145.05
Manchester University NHS Foundation Trust	13	£10,864.55
Warrington and Halton Hospitals NHS FT	2	£361.91
Leicestershire Partnership NHS Trust	10	£1445.20
Chelsea & Westminster Hospital NHS Trust	1	£74.53
Tees, Esk and Wear Valleys NHS Foundation Trust	1	£33.54
<b>Totals</b>	<b>30</b>	<b>£12,924.78</b>

### 4. 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	Number of work schedule reviews
Manchester University NHS Foundation Trust	8
Liverpool University Hospitals (Aintree / Royal Liverpool)	2
Warrington and Halton Hospitals NHS FT	7
Mid & South Essex Hospital Services NHS Trust	2
<b>Totals</b>	<b>4</b>

## 5. 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 have slightly decreased from 92.3% to 90.3%. 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.

Further to paragraph 3 above, on 31<sup>st</sup> March the BMA and UK government announced their acceptance of a framework agreement that sets out plans for reform regarding exception reporting for resident doctors in England. This acceptance has formally ended the BMA's dispute with the government and follows on from the 2024 pay deal.

Employers have until 12<sup>th</sup> September 2025 to implement this agreement, the main points being:

• All educational exception reports will go to the DME for approval
• All other exception reports to go to HR or medical workforce HR for approval – removing the check currently/previously undertaken by clinical supervisor
• A 3-tier system will be used to determine if hours were worked
• RDs are able to chose between pay or TOIL apart from when it's a breach of safe working hours when it will be TOIL
• Guardians of Safe Working will retain oversight of all exception reports
• Fines will be introduced around timely access to systems and information breaches

More information around this agreement can be found on [www.nhsemployers.org/articles/exception-reporting-reform-resident-doctors](http://www.nhsemployers.org/articles/exception-reporting-reform-resident-doctors)

## 6. 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 requests that the Council to note this report and the assurance provided.

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

Trust	No. of Exception Reports at CT1/2 and/or ST1/2 Level				No. of Outcomes at CT1/2 and/or ST1/2 Level			No. of Exception Reports at CT3 and/or ST3+ Level				No. of Outcomes at CT3 and/or ST3+ Level		
	Total Carried Forward	Total Raised	Total Closed	No. On-going	TOIL	Payment	Other - Please Specify e.g No action required, created in error etc	Total Carried Forward	Total Raised	Total Closed	No. On-going	TOIL	Payment	Other - Please Specify e.g No action required, created in error etc
North West														
Alder Hey Children's NHS Foundation Trust	0	2	2	0	1	0	1 x No Action Required	4	5	9	0	7	0	2 x No Action Required
Betsi Cadwaladr														
Blackpool Teaching Hospitals NHS FT	1	4	5	0	1	4	0	1	0	1	0	0	1	0
Bolton Hospital NHS Trust	0	12	6	6	0	4	2	0	2	0	2	0	0	0
Cheshire and Wirral Partnership NHS Trust	0	0	0	0	0	0	0	0	0	0	0	0	0	0
The Christie Hospital NHS FT														
The Clatterbridge Centre	0	2	2	0	2	0	0	0	0	0	0	0	0	0
The Countess of Chester NHS FT	1	12	12	1	3	2	7	7	4	8	3	1	1	1
East Cheshire NHS Trust	0	36	32	4	2	24	0	0	14	14	0	7	0	0

East Lancashire Hospitals NHS Trust	2	3	3	0	0	0	0	0	4	4	0	3	1	0
Greater Manchester Mental Health FT	4	6	9	1	6	0	3	1	7	5	3	1	0	0
Lancashire Care & South Cumbria	1	1	1	1	1	0	0	0	11	10	0	9	0	1
Lancashire Teaching Hospitals NHS FT	0	13	13	0	13	0	0	0	15	15	0	13	2	0
Liverpool Heart and Chest Hospitals NHS FT	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liverpool University Hospitals (Aintree / Royal Lpool)	0	9	9	0	8	0	1	0	0	0	0	0	0	0
Liverpool Women's NHS FT		21	20	3	9	9	2	3	3	4	2	1	1	1
Manchester University NHS Foundation Trust	2	51	52	1	8	41	3	0	42	41	1	10	26	5
Mersey Care / Mid Mersey NHS FT	0	1	1	0	1	0	0	0	4	4	0	4	0	0
Mersey & West Lancashire Teaching Hospitals NHS Trust	14	7	18	3	15	1	2	0	1	0	0	0	0	0

Mid Cheshire Hospitals NHS FT	0	3	3	0	3	0	0	0	0	0	0	0	0	0
Morecambe Bay Hospitals NHS Trust	0	1	1	0	1	0	0	0	0	0	0	0	0	0
Nobles Hospital	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Northern Care Alliance (Pennine Acute / Salford Royal)	7	13	12	8	7	0	5 x No Action Required	30	12	10	32	10	0	0
Pennine Care Foundation Trust NHS FT	3	1	4	0	3	0	0	7	3	10	0	0	9	0
Stockport NHS Foundation Trust	0	3	0	3	0	0	0	0	0	0	0	0	0	0
Tameside & Glossop Acute NHS Trust	0	7	5	2	0	5	0	0	2	2	0	2	0	0
Walton Centre for Neurology NHS Trust	0	0	0	0	0	0	0	0	17	0	17	0	0	0
Warrington and Halton Hospitals NHS FT	0	9	7	2	5	0	2	1	7	5	3	4	1	0
Wirral University Hospitals NHS Trust	5	9	14	0	2	3	9	0	0	0	0	0	0	0
Wrightington, Wigan and Leigh NHS FT	0	4	4	0	0	3	1	0	3	3	0	0	3	0
<b>West Midlands</b>														
Birmingham And Solihull Mental Health NHS FT	0	0	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	0	0
Birmingham Community Healthcare NHS Trust	0	0	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	0	0
Coventry And Warwickshire Partnership NHS Trust	0	0	0	0	0	0	0	0	0	0	0	0	0	0
University Hospital Derby & Burton Hospitals NHS FT	0	14	14	0	7	4	1 x No Action Required	0	0	0	0	0	0	0
George Eliot Hospital NHS Trust	0	2	2	0	2	0	0	0	0	0	0	0	0	0
Herefordshire and Worcestershire Health and Care NHS Trust	0	0	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	0	0
North Staffordshire Combined NHS														
Robert Jones & Agnes Hunt	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Orthopaedic Hospital NHS														
Sandwell And West Birmingham Hospitals NHS Trust	0	1	1	0	1	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	0	0
South Warwickshire NHS Foundation Trust	0	0	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	0	0
The Royal Orthopaedic Hospital NHS FT	0	0	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	0	0
University Hospital Birmingham NHS Foundation Trust	0	0	0	0	0	0	0	0	0	0	0	0	0	0
University Hospitals Coventry and Warwickshire NHS Trust	0	23	19	4	0	18	1 x No Action Required	0	0	0	0	0	0	0
University Hospitals of North Midlands NHS Trust	0	1	1	0	0	1	0	0	0	0	0	0	0	0

Walsall Healthcare NHS Trust	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Worcestershire Acute Hospitals NHS Trust	0	1	1	0	0	0	0	0	0	0	0	0	0	0
Wye Valley NHS Trust	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>East Midlands</b>														
Chesterfield Royal Hospital NHS Trust	2	1	0	1	0	0	0	0	0	0	0	0	0	0
Derbyshire Healthcare NHS FT	0	13	0	13	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	0	0
Leicestershire Partnership NHS Trust	1	9	10	0	0	10	0	0	0	0	0	0	0	0
Lincolnshire Partnership NHS FT	0	1	1	0	1	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	0	0
Northamptonshire Healthcare NHS FT	0	18	18	0	10	1	7 x No Action Required	0	9	7	0	6	1	0
Nottingham University	0	2	2	0	0	2	0	0	0	0	0	0	0	0

Hospitals NHS Trust														
Nottinghamshire Healthcare NHS FT	24	3	25	2	25	0	0	0	0	0	0	0	0	0
Sherwood Forest Hospitals NHS FT	1	3	4	0	0	4	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	0	0
University Hospitals of Leicester NHS Trust	0	9	9	0	9	0	0	0	0	0	0	0	0	0
<b>East of England</b>														
Bedfordshire Hospital NHS Trust	5	6	0	11	0	0	0	0	0	0	0	0	0	0
Cambridge University Hospitals NHS FT														
Cambridgeshire and Peterborough NHS FT	0	1	0	1	0	0	0	0	0	0	0	0	0	0
East and North Hertfordshire NHS Trust														
East London Foundation Trust	2	16	16	2	13	3	0	0	18	18	0	6	7	5 x No Action Required

Hertfordshire Partnership NHS FT	0	6	6	0	3	0	0	0	2	2	0	1	0	0
East Suffolk and North Essex NHS FT														
James Paget University Hospitals NHS FT	0	20	20	0	7	7	6 x No Action Required	0	4	4	0	0	3	1
Luton & Dunstable University Hospital NHS FT	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Mid & South Essex Hospital Services NHS Trust	0	6	6	0	4	0	2 x Work Schedule Reviews	0	0	0	0	0	0	0
Norfolk and Norwich University Hospitals NHS FT	0	12	12	0	1	11	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	0	0
North-West Anglia NHS FT	4	5	4	5	0	4	0	0	0	0	0	0	0	0
Essex Partnership University NHS FT	0	2	1	1	1	1	0	0	2	2	0	0	2	0
The Princess Alexandra Hospital NHS														
The Queen Elizabeth	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Hospital, King's Lynn, NHS FT														
West Hertfordshire Hospitals NHS Trust	0	0	0	0	0	0	0	0	0	0	0	0	0	0
West Suffolk NHS FT	3	10	12	1	2	6	4	0	0	0	0	0	0	0
London and South East														
Central & NW London NHS FT	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Chelsea & Westminster Hospital NHS Trust	0	15	15	0	0	5	10	0	0	0	0	0	0	0
Guy's & St Thomas' NHS FT	0	1	1	0	0	1	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	0	0
London Northwest Healthcare NHS Trust	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Royal Free London NHS FT														
Royal Surrey County Hospital NHS FT	0	0	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	0	0

University College London NHS FT	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Thames Valley														
Buckinghamshire Healthcare NHS Trust	0	15	15	0	10	5	0	0	0	0	0	0	0	0
Frimley Health Foundation Trust	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Milton Keynes University Hospital FT	0	6	6	0	4	2	0	0	0	0	0	0	0	0
Oxford Health NHS FT	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Oxford University Hospital FT	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Royal Berkshire Healthcare FT	0	0	0	0	0	0	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	0	0
Berkshire Healthcare FT														
Yorkshire & Humber														
York & Scarborough Teaching Hospitals NHS FT	1	8	8	1	7	0	1	0	0	0	0	0	0	0
Tees, Esk and Wear Valleys NHS Foundation Trust	0	1	1	0	0	1	0	0	0	0	0	0	0	0

KEY:

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