

Title of Meeting	HR Commercial Services Council		Date	15 th April 2025
Agenda Item	HRCSC0425/7b			
Report Title	Lead Employer Report on Safe Working Hours (GP Trainees, Public Health & Trusts with less than 10 Trainees)			
Executive Lead	Claire Scrafton, Deputy Director of HR and Governance			
Presenting Officer	Joanne Redhead, Assistant Director of HR (Lead Employer)			
Action Required		To Approve	X	To Note
Purpose				
Following the implementation of the Terms & 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.				
Executive Summary				
This paper pertains to employees of the Trust under the Terms & Conditions of service for NHS Doctors and Dentists in training. It covers the period from October 2024 – December 2024 .				
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 & Conditions of service for NHS Doctors and Dentists in training (England) 2016.				
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 and the assurance provided that: 1. The Lead Employer is complying with its contractual obligations under the 2016 terms and conditions. 2. 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 – Dr Peter Arthur – October 2024 – December 2024

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 October 2024 – December 2024.

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

Number of Doctors/Dentist in training on 2016 Terms and Conditions (total)	12,969
Number of Doctors/Dentist based within a placement with less than 10 Trainees	6856
Amount of time available in job plan for guardian role	1.5 PA
Admin support provided to the guardian	1.0 WTE

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.

Region	Number Raised / Closed			Decision Outcome			No. that are on-going
	Carried Forward	Raised	Closed	TOIL	Payment	Other	
North-West	4	7	11	0	0	11 x No Action Required	0

West Midlands	0	0	0	0	0	0	0
East Midlands	4	12	6	2	0	0	10
East of England	0	1	0	0	0	0	1
London & South East	0	0	0	0	0	0	0
Thames Valley	0	1	1	1	0	0	0
Yorkshire & Humber (From May 2023)	0	0	0	0	0	0	0
Total	8	21	18	3	0	7	11

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 December 2024. 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.

Further to paragraph 3 above, on 31st 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 12th 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

<ul style="list-style-type: none"> • 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
<ul style="list-style-type: none"> • Guardians of Safe Working will retain oversight of all exception reports
<ul style="list-style-type: none"> • 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

7. Summary

Exception reporting figures remain low within the period of October 2024 – December 2024.

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 of Safe Working requests that the council to notes this report and the assurances provided.