

Date of meeting	17 July 2018
Paper number	I4

Annual Report from Guardian of Junior Doctors Safeworking April 2017 to April 2018.

For approval:	√	For assurance:		To note:	
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Accountable Director	Dr Suneil Kapadia, Chief Medical Officer.		
Presented by	Dr Suneil Kapadia, Chief Medical Officer	Author	Miss Alex Blackwell, Guardian for Junior Doctors Safeworking (GSW). Consultant Obstetrician and Gynaecologist Ms Julia Neil, HR Manager, Human Resources, Medical Resources

Alignment to the Trust's strategic priorities

Deliver safe, high quality, compassionate patient care	√	Design healthcare around the needs of our patients, with our partners	√	Invest and realise the full potential of our staff to provide compassionate and personalised care	√
Ensure the Trust is financially viable and makes the best use of resources for our patients	√	Develop and sustain our business	√		

Alignment to the Single Oversight Framework

Leadership and Improvement Capability	√	Operational Performance	√	Quality of Care	√
Finance and use of resources	√	Strategic Change	√	Stakeholders	√

Report previously reviewed by

Committee/Group	Date	Outcome
People and Culture Committee	May 2018	Received. Agreed more in monitoring of HEE concerns was needed at the Committee

Date of meeting	17 July 2018
Paper number	I4

Assurance: Does this report provide assurance in respect of the Board Assurance Framework strategic risks?	Y	BAF number(s)	R4.2 R4.3
Assurance in respect of: process (moderate); compliance with T&C (none)			
Significant assurance <input type="checkbox"/> <i>High level of confidence in delivery of existing mechanisms/objectives</i>	Moderate assurance <input checked="" type="checkbox"/> <i>General confidence in delivery of existing mechanisms/objectives</i>	Limited assurance <input type="checkbox"/> <i>Some confidence in delivery of existing mechanisms/objectives</i>	No assurance <input checked="" type="checkbox"/> <i>No confidence in delivery</i>

Recommendations	<p>The Board is asked to</p> <ul style="list-style-type: none"> • Approve this annual report • Note that the Guardian for Safe Working cannot provide assurance to the Trust Board at the present time that the working patterns of junior doctors within the Trust are compliant with the Terms and Conditions Of Service for NHS Doctors and Dentists in Training (England) 2016 (TCS). • Note that in some departments, doctors in training are working beyond their contractual hours, working through their rostered breaks and reporting concerns about patient safety • Note that all patient safety concerns have been investigated and reviewed by the Committee for Junior Doctor Safeworking.
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Glossary:

GSW	Guardian for safe working
TCS	Terms and Conditions Of Service for NHS Doctors and Dentists in Training (England) 2016
StHKNHST	St Helens and Knowsley NHS Trust
FY	Foundation Year
SHO	Senior House officer
TOIL	Time Off In Lieu
PA	Planned activity
CNO	Chief Nursing Officer
EWTD	European Working Time Directive

Date of meeting	17 July 2018
Paper number	14

Executive Summary

As defined by the new junior doctors' contract TCS 2016, the Guardian for Junior Doctors' Safeworking (GSW) submits quarterly and annual reports to the Trust Board. This report has been received by the People and Culture Committee at its May 2018 meeting. This annual report summarises the experiences of junior doctors in training across the Trust from April 2017 to April 2018 including Q4 Quarterly Report January to March 2018.

- All junior doctors in training are now employed under the 2016 TCS.
- This includes 200 doctors on 43 fully compliant rotas across 2 of the Trust's sites. Additionally, we host 39 GP trainees who are employed by St Helens and Knowsley NHS Trust (StHKNHST) and 1 Palliative Medicine trainee who is employed by Royal Wolverhampton NHS Trust.
- Exception reporting is increasing particularly at FY1 level in Medicine.
- Rate of closure of exception reports is suboptimal.
- Immediate safety concerns relate to high numbers of sick patients being managed by junior doctors.
- Junior doctors have raised concerns about bullying by ward nursing staff and this has been addressed by the Chief Nursing Officer
- Vacant slots on junior doctors' rotas affect the ability of junior doctors to take Time Off In Lieu (TOIL). Improved recruitment is essential.
- Payment to junior doctors for additional hours worked and issue of GSW fines for rota breaches is delayed due to a laborious but thorough process.

Background

In line with the TCS 2016 the Department of Human Resources at the Trust have updated junior doctors' rotas; issued all trainees with work schedules and managed the exception reporting system in place. Trainees working outside their expected work schedule or rostered hours are encouraged to complete an electronic exception report using Allocate/Zircadian system and meet with their educational supervisor to discuss strategies to minimise recurrence. Additional hours worked are compensated with Time Off In Lieu (TOIL) or payment issued retrospectively.

The GSW oversees the exception reporting process, acts as the champion of safe working hours and works to provide assurance, to both doctors and employers, that doctors in training are safely rostered and are enabled to work hours that are safe and compliant with the TCS. The GSW has a three year appointment and receives 2 job planned programmed activities (PA's) to undertake this role.

In line with the 2016 TCS, a junior doctors' forum, entitled the Trust Committee for Junior Doctors' Safeworking, has been established with quarterly meetings scheduled to discuss exception reporting, rota concerns, vacancy issues and other matters raised by doctors and dentists in training. Divisional data regarding exception reporting and immediate safety concerns has been disseminated and escalated through this committee. There has been feedback to the Junior Doctors Forum managed by the Postgraduate Education Teams across the Trust. The People and Culture Committee have requested sight of the terms of reference for this group.

Issues and options

During the period 1st April 2017 to 31st March 2018 the Trust received 510 exception reports.

Date of meeting	17 July 2018
Paper number	I4

However only 40.5% of these reports have been closed. Action has been taken to improve compliance and this includes:

- On-going work to educate and support educational supervisors who have the responsibility to close reports.
- Sessions about exception reporting have been included at induction, Junior Doctors Teaching and Train the Trainers sessions countywide

Issue	Area	Action Taken
Exception Reporting	Medicine (406) Surgery(169)	<ul style="list-style-type: none"> • Work at departmental level to address late admissions and board rounds • WRH FY2 ENT and T&O rota has been separated to provide additional SHO support • Work at divisional level to improve the skill mix and organisation of the on call team
Immediate Safety Concerns	Surgery (17) reported	<ul style="list-style-type: none"> • Work at divisional level to improve the skill mix and organisation of the on call team
Number of trainees working to TCS	200 (improved from 58 as at 31 st March 2017)	<ul style="list-style-type: none"> • Rotas amended to extend on call periods • FY1, FY2 and middle grade rotas have been restructured • Staffing levels reviewed and additional SHO grade ward doctor present overnight • Protocol developed in respect of bleeping doctors • Ongoing work to minimise concurrent absence of doctors within the same team
Alleged bullying	Medicine	<ul style="list-style-type: none"> • Escalated to CNO • Discussion with senior nurses • Encouragement to speak to Freedom to Speak Up Guardian/Datix reporting
Payment for Additional Hours Worked	Medicine Surgery	<ul style="list-style-type: none"> • Allocate - the electronic exception reporting system - is not adequate for data collection. Anticipated updates have not materialised and we have an on-going labour intensive mechanism within the Trust for obtaining information about TOIL taken before payment for additional hours worked can be processed. • Formal payment process for junior doctors and issuing of departmental fines is not yet set up. • Retrospective assessment of money to be paid has been completed and doctors have been paid for outstanding hours up until December 2017. Payment for additional hours worked between December 2017 and April 2018 is still outstanding.

Date of meeting	17 July 2018
Paper number	I4

		<ul style="list-style-type: none"> Total payment for additional hours worked December 2016 to April 2017 was Medicine £0 Surgery £1786.44. GSW fine £159.10. Total payment for additional hours worked April 2017 to August 2017 was Medicine £423.13 Surgery £314.67 Urgent Care Medicine £102.08. GSW fine £0 Total payments for additional hours worked August 2017 to December 2017 are not yet available. GSW fines are expected to be £1331.40.
Vacancies <ul style="list-style-type: none"> 43 rotas 324 rota slots 286 are training slots 	As at 31.3.18 <ul style="list-style-type: none"> 63 vacancies 30 training slots were filled with non-training grade doctors 12 appointments are pending commencement. 	<ul style="list-style-type: none"> Recruitment is ongoing at departmental and divisional level and is outside the remit of this report Vacant shifts may be filled by junior doctors working beyond their contracted hours with agreement for TOIL or additional payment. Junior doctors in training are not permitted to work beyond their maximum 48hrs average per week without opting out of the European Working Time Directive (EWTD). Alternatively the vacant shifts may be filled by locum doctors or senior doctors, including consultants, acting down.

NB: Benchmarking information for rates of exception reporting has been sought from regional Trusts and GSWs but is not yet available.

Recommendations

The Board is asked to

- Receive this annual report
- Note that the Guardian for Safe Working cannot provide assurance to the Trust Board at the present time that the working patterns of junior doctors within the Trust are compliant with the Terms and Conditions Of Service for NHS Doctors and Dentists in Training (England) 2016 (TCS).
- Note that in some departments, doctors in training are working beyond their contractual hours, working through their rostered breaks and reporting concerns about patient safety
- Note that all patient safety concerns have been investigated and reviewed by the Committee for Junior Doctor Safeworking.

Appendices *all available on request*

Appendix 1: Divisional Data April 2017 to August 2017

Appendix 2: Divisional Data August 2017 to December 2017

Appendix 3: Divisional Data December 2017 to April 2018.