



# Board of Directors

## SUMMARY REPORT

Meeting Date:	25 May 2022
Agenda Item:	16

<b>Report Title:</b>	Guardian of Safe Working Annual Report – 2021/2022	
<b>Author(s):</b>	Dr Raihan Talukdar, Jo Wilson & William Wright	
<b>Accountable Director:</b>	Dr Mike Hunter	
<b>Other Meetings presented to or previously agreed at:</b>	<b>Committee/Group:</b>	N / A
	<b>Date:</b>	
<b>Key Points recommendations to or previously agreed at:</b>	N / A	

### Summary of key points in report

This is the Annual Report from the Guardian of Safe Working (GOSW) to the Board of Directors which provides information highlighting issues managed by the GOSW. These are:

1. A delay in Medical Education being notified of new starters by Health Education England causing issues with publication of the on-call rota
2. Trainee sickness leading to gaps on the on-call rota
3. Maternity Leave leading to gaps on the on-call rota
4. Trainees being advised by Occupational Health to not work the on-call rota, leading to gaps
5. Low numbers of exception reports, indicating trainees are working in compliance with their contracted hours.

Rota gaps are managed by the Medical Education team by sourcing internal and external locums to ensure a safe service is provided.

<b>Consider for Action</b>		<b>Approval</b>		<b>Assurance</b>	✓	<b>Information</b>	
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The Guardian of Safe Working assures the Board of Directors that trainee doctors in SHSC keep safe working hours and all legal requirements are complied with. The exception reporting process continues to support safe working and enable the appropriate compensation of additional hours worked.

Please identify which strategic priorities will be impacted by this report:				
Covid-19 Recovering Effectively	Yes	✓	No	
CQC Getting Back to Good Continuous Improvement	Yes	✓	No	
Transformation – Changing things that will make a difference	Yes		No	✓
Partnerships – working together to make a bigger impact	Yes		No	✓

Is this report relevant to compliance with any key standards ?				State specific standard
Care Quality Commission	Yes	✓	No	Links to Care Quality Commission Quality and Safety Standards: Safety and Quality of service provision, Staffing, Supporting Workers
Data Security Protection Toolkit	Yes		No	✓

Have these areas been considered?				If Yes, what are the implications or the impact? If no, please explain why
Service User and Carer Safety & Experience	Yes	✓	No	The duty of the Guardian of Safe Working is to ensure that doctors in training work safe hours. Assurance is provided that in 2021/2022 trainee doctors in SHSC worked safe hours.
Financial (revenue & capital)	Yes		No	✓ The implications of spending on locums are not considered in this report.
Organisational Development/Workforce	Yes	✓	No	This report provides assurance around the working hours of trainee doctors.
Equality, Diversity & Inclusion	Yes	✓	No	The Guardian of Safe Working will consider the individual circumstances of all issues raised and that the principles of ensuring equality, diversity and inclusion are adhered to.
Legal	Yes	✓	No	All trainee doctors continue to work hours that are compliant with their contracts and all relevant legislation.

# ANNUAL REPORT ON ROTA GAPS & VACANCIES

## DOCTORS IN TRAINING 2020/2021

### Summary

This Annual Report on Safe Working Hours for doctors in training (2021/22) is presented to the Board with the aim of providing context and assurance around safe working hours for SHSC Doctors in Training; to provide an annual update on the work of the Guardian of Safe Working; and to note areas of concern in terms of exception reporting, work schedules and fines paid.

### Introduction

The 2016 Junior Doctors' Contract introduced the role of the Guardian of Safe Working (GOSW) in all organizations that employ or host NHS training doctors. This includes being a champion for safe working hours, attending induction to explain the GOSW role to new doctors, overseeing safety relating to exception reports, monitoring compliance, escalating issues for actions when not addressed locally, requiring work schedule reviews to be undertaken where necessary and intervening to mitigate safety risks where issues are not being resolved satisfactorily. It is now entering its eighth year. The five pillars of the Junior Doctors' Contract are:

- Doctors in training now have a process for reporting safety concerns in the workplace which will reach senior leaders.
- They now have work schedules that describe their working patterns more clearly than before.
- They should exception report if they work beyond their scheduled hours.
- Serious breaches of safe working limits can lead to fines for Trusts.
- A Junior Doctor Forum (JDF) is established to discuss work and training issues and to decide how any money from fines should be spent.

In 2019, the Junior Doctors' Contract was reviewed involving discussions between NHS Employers, the BMA and the Junior Doctors' Committee.

Changes Included:

- Maximum of 72 hours' work in any 7 consecutive day period.
- Rest after nights
- Weekend frequency exemption in specified circumstances
- Maximum one in two frequency on call
- Maximum of eight consecutive shifts rostered or worked over eight consecutive days
- Maximum of five consecutive long day shifts
- Mandated breaks
- Too tired to drive home provisions
- Payment for accommodation when non-resident on-call
- Specification of breaches that attract a financial penalty

In SHSC, the current Guardian of Safe Working is Dr Raihan Talukdar (Consultant in Liaison Psychiatry), supported by the Medical Education Team.

## High level data

Number of doctors / dentists in training (total):	48
Number of doctors / dentists in training on 2016 TCS (total):	48
Annual vacancy rate among this staff group:	4.8%

## Annual data summary

From 1<sup>st</sup> April 2021 to 31<sup>st</sup> March 2022, there were 285 gaps in the rota. 117 filled by internal locums (our own trainees) who are approached prior to agency (41%). 161 were filled by agency locums (57%). Expenditure on locums is detailed in Appendix A. There were seven gaps which could not be filled and these were managed by the clinical teams.

## Trainees within SHSC

Specialty- April 2021- March 2022	Grade	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Psych	F1	8	8	8	8
Psych	F2	6	5	5	5
Psych	GP	3	3	4	3
Psych	CT1-CT3	14(1)	14(1)	15	15(2)
Psych	ST4-ST6	17(1)	17(1)	16(1)	16(2)
<b>Total:</b>		<b>48(2)</b>	<b>47(2)</b>	<b>48(1)</b>	<b>47(4)</b>

The numbers outside the brackets are the number of placements in SHSC.

The numbers in the brackets are the vacancies.

The total varies due to number of trainees allocated to posts in SHSC by HEE.

## Issues arising

1. A delay in Medical Education being notified of new starters by Health Education England Medical Education are contractually required to publish the on-call rota 8 weeks prior to rotation. There are often delays in HEE informing Medical Education of the final trainees allocated. This has a consequence that rotas need to be re-drawn, potentially leading to inconvenience for those trainees who have made plans.

2. Trainee sickness leading to gaps on the on-call rota

There were 278 covered shifts by Locums and seven shifts that were not covered due to trainee sickness at short notice and no locum could be sourced via internal or agency. This is a coverage rate of over 98%. It is important to emphasise that a number of doctors are on-call at a given time, and therefore the minority of gaps not covered by a locum are covered by working flexibly across the on-call team.

3. Maternity leave leading to gaps on the on-call rota

Occupational Health generally advise avoidance of the on-call rota for pregnant trainees. There were five trainees off for maternity leave in 2021/2022. All these shifts were covered by locums.

4. Trainees being advised by Occupational Health to not work on-call rota leading to gaps

Trainees are referred to Occupational Health if an underlying health condition would be impacted by being on the on-call rota. There were five trainees who were advised by OH to not partake in the on-call rota in 2021/2022, the same number as in 2020/2021.

5. Low numbers of exception reports

There were 12 exception reports completed in 2021/2022. The majority of these were for staying over contracted hours where the outcome was time given in lieu. By way of comparison, in 20/21, there were eight exception reports. However, the overall numbers remain very low as a proportion of the total number of medical shifts worked in SHSC in 2021/2022.

## Actions taken to resolve issues

1. All trusts have fed back to HEE regarding HEE's recruitment timeline not fitting with trusts' medical staffing obligations.
2. The Junior Doctors' Forum promotes discussions on how the Fatigue and Facilities fund is spent. This has led to purchasing of items including noise cancelling headphones and eye masks, to promote better sleep during rest periods.
3. Locums are employed when there is sickness from substantive staff to ensure that patient care is not compromised as well as protecting the well-being of the trainee.
4. SHSC promotes referral to Occupational Health of those who are pregnant and will continue to take advice to whether working on-call remains suitable. Once this is established, a locum is employed to ensure that patient care is not compromised as well as protecting the well-being of the trainee.
5. There have been five trainees who have been advised by Occupational Health not to partake in on-call work. SHSC follows this advice and locums are employed if required. Medical Education regularly reviews whether circumstances have changed and appropriateness to return to the on-call rota. This ensures that trainees are not missing out on clinical opportunities out of hours.
6. The issues around the low numbers of exception reports were regularly discussed in the Junior Doctors' Forum (JDF). Trainees were informed of the process and rationale for completing these during induction and this is discussed regularly at the JDF. In addition,

on 5th May 2021, the BMA presented at the Trainee Improvement Forum and answered questions around the process. This promotion likely contributed to the increase in exception reports in 21/22 and therefore will be made a recurrent event.

## **Summary**

The Medical Education team has worked effectively to fill gaps in workforce in 2021/2022, often at the last moment due to COVID. Trainee doctors have been flexible to cover on-call shifts (within agreed, safe hours) to ensure patient safety was not compromised.

Whilst relatively few in number, the exception reports received continue to help identify areas within the junior doctors' work where rota conditions may not always be met, in order that interventions can be made if necessary.

The broader issue with trainee recruitment to psychiatry remains a national concern and SHSC will continue to proactively engage in initiatives including national recruitment events.

## Appendix A: Annual Data Breakdown 2021-22

### Locum Costs

Month	Internal	Agency	Total Locum Spend
Apr-21	£1,622.12	£11,096.25	£12,718.37
May-21	£1,980.80	£11,181.88	£13,162.68
Jun-21	£712.26	£13,677.68	£14,389.94
Jul-21	£5,427.74	£17,181.45	£22,609.19
Aug-21	£1,418.91	£8,498.00	£9,916.91
Sep-21	£1,706.36	£10,895.38	£12,601.74
Oct-21	£3,147.27	£8,163.00	£11,310.27
Nov-21	£2,541.93	£13,455.00	£15,996.93
Dec-21	£7,062.87	£9,022.50	£16,085.37
Jan-22	£1,430.65	3,173.63	£4,604.28
Feb-22	£1,107.45	4,021.88	£5,129.33
Mar-22	£3,939.95	12,915.63	£16,855.58
<b>TOTAL</b>	<b>£32,098.31</b>	<b>£123,282.28</b>	<b>£155,380.59</b>

## Agency Locum Bookings by Rota

Apr-21				
Specialty	Shifts		Hours	
	Number Requested	Number Worked	Number Requested	Number Worked
FY/CT1-3	4	4	50	50
ST4+	10	10	125	125
May-21				
Specialty	Shifts		Hours	
	Number Requested	Number Worked	Number Requested	Number Worked
FY/CT1-3	6	4	59	50
ST4+	10	10	134	125
Jun-21				
Specialty	Shifts		Hours	
	Number Requested	Number Worked	Number Requested	Number Worked
FY/CT1-3	11	7	121.5	87.5
ST4+	13	13	130.5	130.5
Jul-21				
Specialty	Shifts		Hours	
	Number Requested	Number Worked	Number Requested	Number Worked
FY/CT1-3	5	5	75	75
ST4+	17	17	192	192
Aug-21				
Specialty	Shifts		Hours	
	Number Requested	Number Worked	Number Requested	Number Worked
FY/CT1-3	10	10	125	125
ST4+	1	1	12.5	12.5
Sep-21				
Specialty	Shifts		Hours	
	Number Requested	Number Worked	Number Requested	Number Worked
FY/CT1-3	8	8	100	100
ST4+	6	6	75	75
Oct-21				
Specialty	Shifts		Hours	
	Number Requested	Number Worked	Number Requested	Number Worked
FY/CT1-3	12	12	129.5	129.5
ST4+	0	0	0	0



<b>Nov-21</b>				
Specialty	Shifts		Hours	
	Number Requested	Number Worked	Number Requested	Number Worked
FY/CT1-3	11	11	137.5	137.5
ST4+	6	6	75	75
<b>Dec-21</b>				
Specialty	Shifts		Hours	
	Number Requested	Number Worked	Number Requested	Number Worked
FY/CT1-3	7	6	79.5	75
ST4+	5	5	62.5	62.5
<b>Jan-22</b>				
Specialty	Shifts		Hours	
	Number Requested	Number Worked	Number Requested	Number Worked
FY/CT1-3	2	2	13	13
ST4+	3	3	37.5	37.5
<b>Feb-22</b>				
Specialty	Shifts		Hours	
	Number Requested	Number Worked	Number Requested	Number Worked
FY/CT1-3	5	5	62.5	62.5
ST4+	0	0	0	0
<b>Mar-22</b>				
Specialty	Shifts		Hours	
	Number Requested	Number Worked	Number Requested	Number Worked
FY/CT1-3	13	13	162.5	162.5
ST4+	3	3	37.5	37.5

## Internal Locum Bookings by Rota

Apr-21				
Specialty	Shifts		Hours	
	Number Requested	Number Worked	Number Requested	Number Worked
FY/CT1-3	5	5	22.5	22.5
ST4+	4	4	18	18
May-21				
Specialty	Shifts		Hours	
	Number Requested	Number Worked	Number Requested	Number Worked
FY/CT1-3	3	3	29.5	29.5
ST4+	4	4	16.5	16.5
Jun-21				
Specialty	Shifts		Hours	
	Number Requested	Number Worked	Number Requested	Number Worked
FY/CT1-3	2	2	9	9
ST4+	2	2	9	9
Jul-21				
Specialty	Shifts		Hours	
	Number Requested	Number Worked	Number Requested	Number Worked
FY/CT1-3	7	7	47.5	47.5
ST4+	10	10	77	77
Aug-21				
Specialty	Shifts		Hours	
	Number Requested	Number Worked	Number Requested	Number Worked
FY/CT1-3	3	3	21.5	21.5
ST4+	2	2	12	12
Sep-21				
Specialty	Shifts		Hours	
	Number Requested	Number Worked	Number Requested	Number Worked
FY/CT1-3	5	5	26	26
ST4+	4	4	38.5	38.5
Oct-21				
Specialty	Shifts		Hours	
	Number Requested	Number Worked	Number Requested	Number Worked
FY/CT1-3	6	6	35	35
ST4+	5	5	38.5	38.5

<b>Nov-21</b>				
Specialty	Shifts		Hours	
	Number Requested	Number Worked	Number Requested	Number Worked
FY/CT1-3	7	7	47.5	47.5
ST4+	4	4	18	18
<b>Dec-21</b>				
Specialty	Shifts		Hours	
	Number Requested	Number Worked	Number Requested	Number Worked
FY/CT1-3	11	11	113.5	113.5
ST4+	4	4	18	18
<b>Jan-22</b>				
Specialty	Shifts		Hours	
	Number Requested	Number Worked	Number Requested	Number Worked
FY/CT1-3	7	7	39.5	39.5
ST4+	0	0	0	0
<b>Feb-22</b>				
Specialty	Shifts		Hours	
	Number Requested	Number Worked	Number Requested	Number Worked
FY/CT1-3	3	3	13.5	13.5
ST4+	3	3	13.5	13.5
<b>Mar-22</b>				
Specialty	Shifts		Hours	
	Number Requested	Number Worked	Number Requested	Number Worked
FY/CT1-3	10	10	45	45
ST4+	6	6	51	51