

## Board of Directors (in Public)

### Item 2.2\*

**Subject:** Guardian of Safe Working  
**Date of Meeting:** Tuesday 28<sup>th</sup> April 2020  
**Prepared by:** Fiona Ross, HR Business Partner  
**Presented by:** Dr Raphael Perry, Medical Director  
**Purpose of Report:** To note

BAF Ref	Impact on BAF
4.1	Trust compliant with exception reporting. No change to risk rating. Potential financial risk and risk of losing junior posts if not compliant

#### 1. Executive Summary

This is the 2019/20 Q4 report on safe working hours following introduction of the 2016 contract for junior doctors.

At present LHCH has thirty nine trainees on the new contract currently on rotation at the Trust. All rotas are compliant with both the rules around the 2002 Junior Doctor Contract and also the 2016 Contract.

#### 2. Background

The purpose of this report is to review the working hours of Doctors in training including exception reports, breaches of working hours, fines incurred and how these fines were levied.

Number of doctors / dentists in training (total):	52
Number of doctors / dentists in training on 2016 TCS (total):	39
Amount of time available in job plan for guardian to do the role: reviewed)	0 PAs (to be reviewed)
Admin support provided to the guardian (if any):	To be reviewed
Amount of job-planned time for educational supervisors:	0.25 PAs per trainee

#### 3. Junior Doctor Contract 2016

##### a) Exception reports (with regard to working hours)

The Trust has received no new exception reports in the last quarter, with just one exception report received since August 2016.

## **b) Issues Arising**

There have been gaps on majority of junior doctor rotas for Q3/4 and, however these have improved significantly since the 18/19 year with the exception of surgery registrar rotas:

First On Call	0 Gap (1:19)
Cardiology	0 Gaps (1:15)
Surgery Junior	1 Gap (1:8) – One ongoing gap
Surgery Senior	1 Gap (1:9) – Gap covered by locum
Anaesthesia	1 Gaps (1:10) –Due to long term sickness of trainee
IMT	1:8 (1 Gap) – Due to vacant post

The Trust successfully appointed two Registrars to the Surgical rotas in January 2020, however due to a resignation from a Junior Registrar the Trust went back out to advert for the Registrar post again.

## **c) Actions taken to resolve issues**

Recruitment continue to advertise posts, a working group has been arranged to explore any alternative options in order to resolve these issues.

Gaps in rotas are currently being filled using agency doctors to ensure no patient safety concerns arise and also that trainees on the 2016 TCS are not breaching any of the rules that incur automatic fines.

Director of Medical Education monitors junior and trust doctor rotas to ensure service provision is safe, reducing and increasing First On Call rota accordingly.

## **4. Junior Doctor Forum**

LHCH continues to hold quarterly Junior Doctor forums which is a contractual requirement under the 2016 TCS. The most recent forum was held on 12<sup>th</sup> March 2020 and was chaired by Dr John Holemans in his capacity as Guardian of Safeworking. No concerns have been raised regarding working hours or educational opportunities but some helpful feedback was provided which led to some actions being taken away to improve conditions for juniors.

## **5. Postponement to the 2016 Junior Doctor Contract Rota Rules**

In March 2020 NHS Employers and the BMA released a statement in relation to the current Rota Restrictions within the 2016 Junior Doctor Terms and Conditions of Service. It was recognised that Junior Doctors along with all other staff groups within the NHS were required to provide additional and flexible cover to support the coronavirus pandemic and as such postponed the rota restrictions.

Trusts were asked to attempt to maintain the restrictions of hours where possible but if this wasn't the case then they could be relaxed but must meet the EWTD in order maintain a level of safe working. As such, all rotas have been revised to ensure adequate day time and out of hours cover, including stand by personnel should absence occur or the service require additional junior medical staff. The rotas have been designed to provide juniors with longer

periods of breaks in order to prevent excessive fatigue and/or burnout.

Those trainees who were at a financial disadvantage due to changes in rota have been pay protected during this time and those who are entitled to additional enhancements have had their salary adjusted accordingly.

Rota templates have been shared with trainees, Director of Medical Education and Guardian of Safeworking for approval. Regional BMA representative has also been informed of amendments to the contracts.

## **6. Comments from Guardian of Safe Working**

There has been one exception report since 2016. The Trust now has a majority of trainees on the new contract. The continuing rota gaps are being monitored regularly with steps being taken to resolve any concerns.

## **7. Recommendation**

The Board of Directors is asked to note this report and the low incidence of exception reporting.