

Cover page	
Meeting	Trust Board Meeting – Shrewsbury and Telford Hospital NHs Trust
Paper Title	Guardian of Safe Working Hours (GoSW) Quarterly Report for Shrewsbury and Telford Hospital NHS Trust and Shropshire Community Health NHS Trust
Date of meeting	Thursday 3 rd October 2019
Date paper was written	Thursday 5 th September 2019
Responsible Director	Dr Arne Rose
Author	Dr Bridget Barrowclough
Executive Summary	
<p>All doctors in training at the Shrewsbury and Telford NHS Trust (SaTH) are employed under the Terms and Conditions of Service (TCS) of the 2016 Junior Doctor Contract (JDC).</p> <p>Negotiations on this contract have continued since its implementation in August 2016. A recent BMA referendum voted in favour of an amended contract with a staggered implementation of the agreed changes beginning in August 2019.</p> <p>These changes will have financial and workforce implications.</p> <p>The GoSW will continue to champion safe working hours and will work with medical staffing to ensure the new safe working limits are introduced. There are new conditions placed on the ER process.</p> <p>The TCS of the JDC 2016 stipulated that all ER's should be addressed within 7 days. An amendment to this has been agreed in the 2018 'Refresh' contract, and in order for the employers to comply with this condition the GoSW will now have the authority to action the unaddressed report at 7 days.</p> <p>The framework agreement (Appendix 1) and Implementation times (Appendix 2) and SaTHs own schedule for implementation (Appendix 3) are attached.</p> <p>Since the last report the GoSW has receive 2 extra hours per week.</p> <p>12 Exception reports have been received in the past quarter. These have all been addressed. No immediate safety concerns were raised.</p> <p>Compliance with the exception reporting process timelines continues to improve.</p> <p>The Board is asked to read and approve this report.</p>	
Previously considered by	This report has been previously considered by the Workforce Committee which was held Monday 16 th September.

The Board is asked to:

<input checked="" type="checkbox"/> Approve	<input type="checkbox"/> Receive	<input type="checkbox"/> Note	<input type="checkbox"/> Take Assurance
To formally receive and discuss a report and approve its recommendations or a particular course of action	To discuss, in depth, noting the implications for the Board or Trust without formally approving it	For the intelligence of the Board without in-depth discussion required	To assure the Board that effective systems of control are in place

Link to CQC domain:

<input checked="" type="checkbox"/> Safe	<input checked="" type="checkbox"/> Effective	<input checked="" type="checkbox"/> Caring	<input checked="" type="checkbox"/> Responsive	<input checked="" type="checkbox"/> Well-led
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<p>Link to strategic objective(s)</p>	<p><i>Select the strategic objective which this paper supports</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> PATIENT AND FAMILY Listening to and working with our patients and families to improve healthcare <input type="checkbox"/> SAFEST AND KINDEST Our patients and staff will tell us they feel safe and received kind care <input type="checkbox"/> HEALTHIEST HALF MILLION Working with our partners to promote 'Healthy Choices' for all our communities <input type="checkbox"/> LEADERSHIP Innovative and Inspiration Leadership to deliver our ambitions <input type="checkbox"/> OUR PEOPLE Creating a great place to work
<p>Link to Board Assurance Framework risk(s)</p>	<p><i>Are any Board Assurance Framework risks relevant to the paper?</i></p>

<p>Equality Impact Assessment</p>	<ul style="list-style-type: none"> <input checked="" type="radio"/> Stage 1 only (no negative impact identified) <input type="radio"/> Stage 2 recommended (negative impact identified and equality impact assessment attached for Board approval)
<p>Freedom of Information Act (2000) status</p>	<ul style="list-style-type: none"> <input type="radio"/> This document is for full publication <input checked="" type="radio"/> This document includes FOIA exempt information <input type="radio"/> This whole document is exempt under the FOIA
<p>Financial assessment</p>	<p><i>Is there a financial impact associated with the paper?</i></p>

**Guardian of Safe Working Hours (GoSW)
Quarterly Report
for
the Shrewsbury and Telford NHS Trust (SaTH)
and
The Shropshire Community Health NHS Trust
1 May – 31 July 2019**

Background

All doctors in training at the Shrewsbury and Telford NHS Trust (SATH) are employed under the Terms and Conditions of Service (TCS) of the 2016 Junior Doctor Contract (JDC) implemented in August 2016. Negotiations on the JDC have continued since its implementation. A recent BMA referendum voted in favour of an amended contract with staggered implementation of the agreed changes beginning in August 2019 and being completed by August 2020.

The framework agreement (Appendix 1), implementation timelines (Appendix 2) and SaTH's own schedule for an implementation plan (Appendix 3) are attached for reference.

These changes will have financial and workforce implications in SaTH.

The Guardian of Safe Working (GoSW) will continue in the role to champion safe working hours and will work with Medical Staffing to ensure the new safe working limits are introduced in accordance with the new TCS.

Trainees will continue to receive work schedules 8 weeks prior to taking up a post or when rotating to a different position in the Trust.

The Exception Reporting (ER) process, which allows Trainees to formally report variations in their work schedules, will remain in place.

SaTH's compliance with the ER process will continue to be monitored by the GoSW who now has the authority to action ERs remaining unaddressed after 7 days.

Where hours are worked over, time off in lieu (TOIL) remains the preferred outcome to ensure doctors remain working within their safe limits. Where this is not possible, payment will be agreed. Financial reimbursement will now be authorised by the GoSW if TOIL has not been taken within 4 weeks of the Trainee agreeing the outcome.

Other amendments to safety and rest limits, and the ER process should be noted as referenced (Appendix 1: notes 14 – 36).

Fines for breaches of the safe limits as determined by the TCS will be imposed on those departments failing to comply, with increased rates of remuneration to the Trainee.

High level data

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|---|-------------|
| • Number of doctors / dentists in training | 207 |
| • Number of trainee doctors in the Community | 3 |
| • Number of Exception Reports this quarter | 12 |
| • Number of reports received by trainees in the Community | 0 |
| • Time available in job plan for GoSW | 2 PA / week |

Exception Reports

Details of the 12 ERs received in the period 1 May – 31 July 2019 are attached as Appendix 4.

Reasons for ERs include: workload intensity, short term rota gaps and the requirement to cross cover as a consequence of staff sickness.

One report of particular concern related to the transfer of a Trainee during the night from one hospital to another in SaTH to provide cover for a staff shortage. The concern was escalated to the Care Group Medical Director and discussed at the Care Group Board (CGB) meeting. Agreement was reached that this action should not have been authorised.

Concerns that highlighted service deficiencies were raised at the Junior Doctor Forums and via educational Exception Reports regarding the impact on the Trainee' training experience as a consequence of being

transferred between wards at short notice to cover short-term sickness, study leave and annual leave. This has been discussed at the CGB meeting, and an undertaking has been given to work to avoid reoccurrence of these practices.

Immediate Safety Concerns

No immediate safety concerns were raised in this quarter.

Breach Fines

No breach fines were issued during this quarter.

Locum Work by Trainee

8 Trainees worked over the average 48 hour limit by performing locum work. 7 had not opted out of Working Time Regulation (WTR) which allows doctors to work an average of 56 hours per week and 1 doctor who had opted out worked over 56 hours (Appendix 5). The GoSW has previously advised the Trust to ensure that Trainees do not breach the safe limits.

Compliance

Compliance with the ER process reporting timelines has improved this quarter and most were addressed within the 7-day window.

Other GoSW activities

1. **Exception Reporting for Locally Employed Doctors** – Extension of the ER process to include this group has not yet been granted in the Trust. The GoSW will continue discussions with the Medical Performance and Education teams, and work towards implementation of this activity.
2. **Junior Doctor Forums** – will continue to be held each quarter. The GoSW continues to provide an update on key reporting items, including the outcomes of ERs, to Trainees at these meetings.
3. **Informal “Drop In” Sessions** sponsored by the BMA continue at regular intervals. The next meeting is scheduled in October 2019. These meetings provide an opportunity to highlight the ER process to Trainees and encourages a culture that supports appropriate reporting concerns. These meetings are also supported by the Freedom to Speak-up Guardians and Medical Staffing.
4. **Cross functional working** – the GoSW will work with HR, Medical Staffing and the Education team to implement amendments of the 2018 “Refresh” Contract.
5. **Rostering software** – the GoSW continues to liaise with the Workforce Directorate regarding the introduction of rostering software that provides an organic system to track staffing levels. The introduction of this software will potentially help the GoSW reassure the Board of safe staffing levels.
6. **National GoSW Conference** will be held on 30 September 2019. The GoSW will attend and feedback any key developments in the role and implementation of the 2018 “Refresh” Contract.
7. **Internal meeting attendance** – the GoSW has recently joined the weekly meetings of the Senior Medical Leadership Team.

Recommendations given to the Workforce Committee

1. To approve the purchase and implementation of rostering software to enable organic tracking of Junior Doctors staffing levels – Vacancies for this quarter see appendix 6.
2. To support the timely implementation of the 2018 “Refresh” Contract.

The Annual report from the GoSW will be submitted alongside the next quarterly report for the Trust Board meeting on 28 November 2019.

The Board is asked to read and approve this report