

# Report to the Board Meeting of

# Oxford Health NHS Foundation Trust

**BOD 22/2019**

(Agenda item: 8)

# Board of Directors

**27 February 2019**

**Guardian of Safe Working Hours Report**

**Executive Summary**

I apologize that I am unable to attend on 27th February. I will attend the next Board meeting in May, which is likely to be my last. My tenure as Guardian of Safe Working Hours is naturally coming to an end (we remain in post for 3 years).

The next report will contain reflections on my role since I started and note significant achievements.

**Governance Route/Escalation Process**

This report is presented directly to the board. After it has been presented to the board, I send it to relevant clinical directors. It is also sent to the Director of Medical Education and the Local Negotiating Committee.

This is a quarterly update.

**Recommendation**

The Board is asked to note the report. There are no recommendations.

**Author and Title: Dr P. S. Davison Consultant Psychiatrist and Guardian of Safe Working Hours.**

1. *This report does not appear to present any legal issues and there are no issues that need to be referred to the Trust Solicitors*
2. ***Strategic Objectives*** *– this report relates to or provides assurance and evidence against the following Strategic Objectives of the Trust*

*1) Driving Quality Improvement*

*(Goals: patients will be safe from harm; patients will achieve the clinical outcomes they want; and patients and carers will have an excellent experience)*

*2) Delivering Operational Excellence*

*(Goals: our services will be effective and efficient; information will be translated into knowledge; and our planned surplus will be delivered)*

*5) Developing Leadership, People and Culture*

*(Goals: staff satisfaction will be in the top 20% of Trusts nationally; our staff and teams will be high-performing; and we will recruit and retain an excellent workforce)*

*7) Using our Estate efficiently*

*(Goals: patients and staff will benefit from safe and appropriate environments; our estate will be sustainable and environmentally-friendly; and our estate will be cost-effective)*

**SITUATION**

* I present a report to the board every three months and appear personally every 6 months.
* For background information I have added appendices from previous reports.
* The board is asked to approve this report

**BACKGROUND**

There has been no emerging guidance since my last report.

**This report contains the following:**

1. **Exception Reports data (the data is analysed by me and then afterwards by the JDF chair to ensure accuracy).**
2. **Themes from this quarter.**
3. **Junior Doctors Forum Business.**
4. **Appendices from previous reports to explain the role of Guardian of safe working hours.**
5. **Exception Reports data and comparison with previous quarters.**

|  |  |  |  |
| --- | --- | --- | --- |
|  | **November 24th to February 13th 2019** |  Aug-Nov 2018 |   Apr-Aug 2018 |
| Total no. of reports:  | **32** | 77 | 62 |
| Total no. of reports included in analysis: | **29** | 67  | 59 |
| Total no. of exceptions within the reports: | **32** | 78  | 75 |
|  |  |
| Foundation year 1 | **6** | 33 | 9 |
| CT1-3/FY2/GPVTS | **14** | 11 | 15 |
| GA/OA/For/LD ST4-6 | **12** | 20 | 26 |
| CAMHS ST 4-6 | **0** | 3 | 9 |

1. **Themes from this quarter**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|   | Total exceptions | **FY1** | **CT/** | **ST4-6** | **CAMHS** | **Comments** |
| **GPVTS/** |
| **FY2** |
| Late finish, normal day | 19 | 6 | 10 | 3 | 0 | FY1: VT, Allen, AMHT |
|   |
| Insufficient breaks  | 3 | 0 | 2 | 1 | 0 |   |
| Missed education | 1 | 0 | 1 | 0 | 0 |   |
| Early start | 0 | 0 | 0 | 0 | 0 |   |
| Late finish after OOH  | 1 | 0 | 1 | 0 | 0 | Warneford |
| Insufficient rest non-res :<5hrs rest 22:00-07:00 | 1 | 0 | 0 | 1 | 0 |   |
| Insufficient rest non-res:<8hrs  | 0 | 0 | 0 | 0 | 0 |   |
| Late finish after NR on call  | 0 | 0 | 0 | 0 | 0 |  |
| hrs on-call >work schedule | 5 | 0 | 0 | 5 | 0 | Unclear if excess hrs related to MHA or trust work |
| work > 5hrs after L&B shift | 2 | 0 | 0 | 2 | 0 |  |

There are less exception reports in this quarter as compared to previous quarters.

This is reassuring and could indicate that our Junior Doctor colleagues enjoy safe working conditions most of the time.

In particular the **advanced GA/OA/FOR/LD ST 4 – 6 trainees**, have appreciated the changes to their rota (5 hours rest after some on calls to ensure safe working conditions). These changes were described fully in previous reports and commenced on December 1st 2018. Informal feedback, indicates that they feel more valued for the work they are doing out of hours (since the rota changes). The rota change probably accounts for the fact that there are fewer reports from **advanced GA/OA/FOR/LD ST 4 – 6 trainees,** in this quarter.

1. **Junior Doctors Forum Business:**
2. **Littlemore and Banbury (L and B) Advanced advanced GA/OA/FOR/LD ST 4 – 6 trainees, on call shift**

As I have indicated above, there is a new working pattern. The next working day after an L and B shift will be 5 hours.

 An Algorithm to explain the arrangements was circulated to the trainees.

The JDF will re-audit trainees following this change in rota (i.e. 5 hours rest after an L and B shift). Audit will take place in March 2019 but as I have indicated above trainees appreciate the change and it seems to be generating less ERs.

1. **CAMHS advanced trainees.**

Now that the prospective hours have increased, contractual hours are breached much less often and there have been no ERs this quarter.

1. **Possibility of an exception reporting bias**

Some trainees report more than others. The JDF is investigating this issue as an ongoing concern.

1. **Appendix: For Reference**
2. **Introduction**

The Guardian of Safe Working Hours (GoSWH) is a new role across the NHS and was implemented following junior doctor contract negotiations in 2016. This Trust was an early adopter of the role and I have been in post since summer of 2016.

1. **The Role of the Guardian of Safe Working Hours**

The GoSWH is not part of the management structure of the Trust and is able to act independently in response to concerns raised with him by our trainee doctor colleagues. The work of the guardian is subject to external scrutiny by the Care Quality Commission (CQC) and by Health Education England (HEE). The aim is to ensure the safety of doctors and therefore of patients.

The Guardian reports directly to the Board and I have **two** broad aims (although the role is inevitably more complex):

* To promote a culture where trainee doctors feel comfortable about raising concerns with respect to their safe working hours and do not fear adverse repercussions if they raise these, either in person by talking to me, or by generating an exception report (see appendix for definitions).
* To report to the board and directorates, on the numbers and patterns of exception reports that are being generated by trainee doctors.
1. **Features of the new junior doctors’ contract:**

**(all information has been presented in previous reports, but is provided here for ease of access).**

1. **Exception reports**:

Whenever the work schedule (see below for definition of work schedule) does not reflect the work that was agreed (e.g. the junior doctor is working too many hours on call) the trainee is expected to raise an “exception report” using a computerised system (DRS4). The aim of this system is to ensure that a work schedule remains fit for purpose. The exception report provides real-time information and identifies problems as they arise. It benefits both employers and training doctors, as whenever safe working is compromised (e.g. a trainee works too many hours) or an educational opportunity is missed, these problems can be raised and addressed early on in a placement, resulting in safer working and a better educational experience.

As GoSWH, my role is to oversee exception reporting and compliance with the 2016 contract, but only with respect to working hours. The Director of Medical Education oversees missed training opportunities.

1. **Work schedule:**

This is similar to a consultants’ job plan. Supervising consultants (called Clinical or Educational Supervisors) and employers will be required to devise work schedules for each post. This will be a generic schedule setting out the hours of work, the work pattern, the service commitments and the training opportunities available during the post.

During their first meeting with a Clinical or Educational Supervisor, a junior doctor and their supervisor will identify the experiences the trainee could gain from that post, and that they require in order to achieve certain desired competencies during their training. The work schedule will be agreed with their supervisor.

1. **The junior doctor’s forum:**

Has been established in our Trust. The forum will advise the GoSWH of issues relating to safe working and will also advise the Director of Medical Education of concerns about missed educational opportunities for trainees.

1. **Sanctions for our Trust:**

If certain contractual rules are broken with respect to trainee doctors’ working hours the GoSWH is to **fine his own Trust**. This money will be distributed for the benefit of all junior doctors and the GoSWH will be guided by the junior doctor’s forum as to how they might want to spend the money.

Trainee doctors are expected to take **time off in lieu (TOIL)** (preferred as we are trying to limit their working hours) for the occasions they work extra and unexpected hours, or to receive **extra payment**.

1. **Additional Guardian Powers**:
* Require a review of a work schedule to be undertaken where necessary
* Intervene where issues are not being resolved satisfactorily.
* Give assurance to the board that doctors are rostered safely and are working safe hours.
* Identify for the board any areas where there are current difficulties maintaining safe working hours.
* Outline for the board any plans already in place to address these difficulties.
* Highlight for the board any areas of persistent concern which may require a wider, system solution.
1. **The National and regional picture:**

I have attended all National and Regional Guardian meetings. In the Thames valley we have a useful quarterly meeting of all Guardians, prior to the submission of our Board reports.

We have a similar level of exception reports, based on the number of trainees working in our trust, as compared to our colleagues in Oxford University Hospitals Trust, Buckinghamshire, Milton Keynes and Berkshire.

All of us report difficulties using the DRS 4 reporting system (mostly because the system does not adequately mirror the contractual changes).

Ours is the one of the only Junior Doctor Forums in the region that is chaired and actively managed by our Junior Doctor Colleagues.

Dr. P. S. Davison

Guardian of Safe Working Hours.