

Board of Directors Meeting in Public - Cover Sheet

Subject:	Guardian of Safe Working Report	Date: 1 st June 2023
Prepared By:	Rebecca Freeman - Head of Medical Workforce, Jayne Cresswell – Medical Workforce Specialist	
Approved By:	David Selwyn – Medical Director	
Presented By:	David Selwyn – Medical Director	
Purpose		
To provide the Board of Directors with an update on the exception reports received from Postgraduate Trainees and Clinical Fellows between 1 st February 2023 and 30 th April 2023.		Approval
		Assurance
		Update
		Consider
Strategic Objectives		
Provide outstanding care in the best place at the right time	Improve health and well-being within our communities	Empower and support our people to be the best they can be
To continuously learn and improve	Sustainable use of resources and estate	Work collaboratively with partners in the community
X	X	X
X	X	X
Principal Risk		
PR1	Significant deterioration in standards of safety and care	
PR2	Demand that overwhelms capacity	X
PR3	Critical shortage of workforce capacity and capability	X
PR4	Failure to achieve the Trust's financial strategy	
PR5	Inability to initiate and implement evidence-based Improvement and innovation	
PR6	Working more closely with local health and care partners does not fully deliver the required benefits	
PR7	Major disruptive incident	
PR8	Failure to deliver sustainable reductions in the Trust's impact on climate change	
Committees/groups where this item has been presented before		
Joint Local Negotiating Committee		
Acronyms		
TCS – Terms and Conditions of Service HEEM – Health Education East Midlands FTE – Full Time Equivalent PA – Programmed Activity CF – Clinical Fellow		
Executive Summary		
The paper provides the Committee with an update on the exception reports received from Postgraduate Trainees and Clinical Fellows between 1 st February 2023 and 30 th April 2023.		
The Board of Directors is asked to note the following:		
<ul style="list-style-type: none"> For the first time there have been more exception reports from Surgery, Anaesthetics and Critical Care than from the Medical Division. The overall increase in Exception reports from this time last year. Clinical Fellows are now using the Allocate system to complete exception reports 		

- The system now sends regular reminders to supervisors and doctors where action is required to either respond to an exception report or to close an exception report.
- The Medical Workforce Team is now responding to the more simple Exception Reports
- Although the number of reports have increased since the same time last year, there is still some under reporting, particularly amongst the Senior Clinical Fellows/ST3+ doctors.
- A Guardian of Safe Working has been recruited.

Guardian of Safe Working Report covering the period from 1st February 2023 to 30th April 2023

Introduction

This report provides an update on exception reporting data, from 1st February 2023 to 30th April 2023. It outlines the exception reports that have been received during the last three months, the actions and developments that have taken place during this time and work that is ongoing to provide assurance that there is safe working as per TCS of the 2016 junior doctors’ contract.

As can be seen from the below, 201 (196.6 FTE) postgraduate doctors in training have been allocated to the Trust by Health Education East Midlands (HEEM). The Trust has an establishment of 224 trainee posts, so this rotation there are 23 vacant trainee posts, this is due to HEEM not being able to fill these posts for a number of reasons, including doctors being on maternity leave (2 doctors, 1.8 FTE), not passing their exams, doctors leaving the training programme or there not being enough trainees following a particular training pathway to fill the posts across the country. The Trust isn’t always informed of the reasons for the vacant posts and as can be seen from previous reports, these vacancy numbers fluctuate. Further information is included in the vacancies section.

High level data as of 30th April 2023

	Posts	Heads	FTE
Established doctor in training posts:	224		
Number of doctors in training in post:	201	204	196.6
Number of vacant training posts:	23	-	27.4
Number of unfilled training posts filled by a non-training doctor:	5	-	4.8
Established non-training doctor posts:	97		

Number of non-training doctors in post:	90	90	89.6
Number of vacant non-training posts:	7	-	7.4

High level data from previous quarter (as of 31st January 2023)

	Posts	Heads	FTE
Established doctor in training posts:	224		
Number of doctors in training in post:	202	205	200.8
Number of vacant training posts:	22	-	23.2
Number of unfilled training posts filled by a non-training doctor:	6	-	5.6
Established non-training doctor posts:	98		
Number of non-training doctors in post:	82	82	81.4
Number of vacant non-training posts:	16	-	16.6

The doctor in training posts have remained static at 224. The non-training doctor posts have decreased by 1 due to a Clinical Fellow post being converted to an Acute Care Practitioner post in Geriatrics.

Amount of time available in the job plan for the guardian:	1 PA
Administrative support provided to the guardian:	0.1 WTE
Amount of job planned time for Educational Supervisors:	0.25 PA per trainee

Exception reports From February 2023 (with regard to working hours)

The data from 1st February 2023 to 30th April 2023 shows there have been 93 exception reports in total, 80 related specifically to safe working hours while 9 were related to educational issues and 4 related to service support.

Four of the exception reports were categorised by the postgraduate trainees as immediate safety concerns. Further details of the immediate safety concerns can be found in Table 1.

By month there were 45 exception reports in February 2023, 40 in March 2023 and 8 in April 2023.

Of the 80 exception reports relating to safe working hours all 80 were due to working additional hours.

Of the total 93 exception reports all have been closed, with 7 being unresolved due to the doctor in training needing to accept the outcome.

For the exception reports where there has been an initial meeting with the supervisor the median time to first meeting is 16 days. Recommendations are that the initial meeting with the supervisor should be within 7 days of the exception report. In total 54 (58%) of all exception reports either had an initial meeting beyond 7 days or have not had an initial meeting. During this period of reporting, the system has been upgraded to send regular reminders to supervisors that an exception report is awaiting their response. Whilst this has increased the responses to exception reports, these responses are still not being completed in a timely manner by the supervisors. In some of the more straightforward cases the Medical Workforce Team have responded on behalf of the supervisor. This will continue to happen, therefore it is anticipated that the time to the first meeting will reduce going forwards.

Where an outcome has been suggested there are 21 (22%) with time off in lieu (TOIL) totaling 19 hours and 41 minutes, 64 (69%) with additional payment totaling 81 hours and 34 minutes at normal hourly rate and 3 hours at premium rate and 8 (9%) with no further action.

The Allocate software used to raise exception reports and document the outcome does not currently have the facility to be able to link to the eRota system to confirm TOIL has been taken or additional payment received, therefore this is actioned manually by the Medical Workforce Team, a report is completed for the rota coordinators to ensure that time off in lieu is added to the doctor's record or any payment is made.

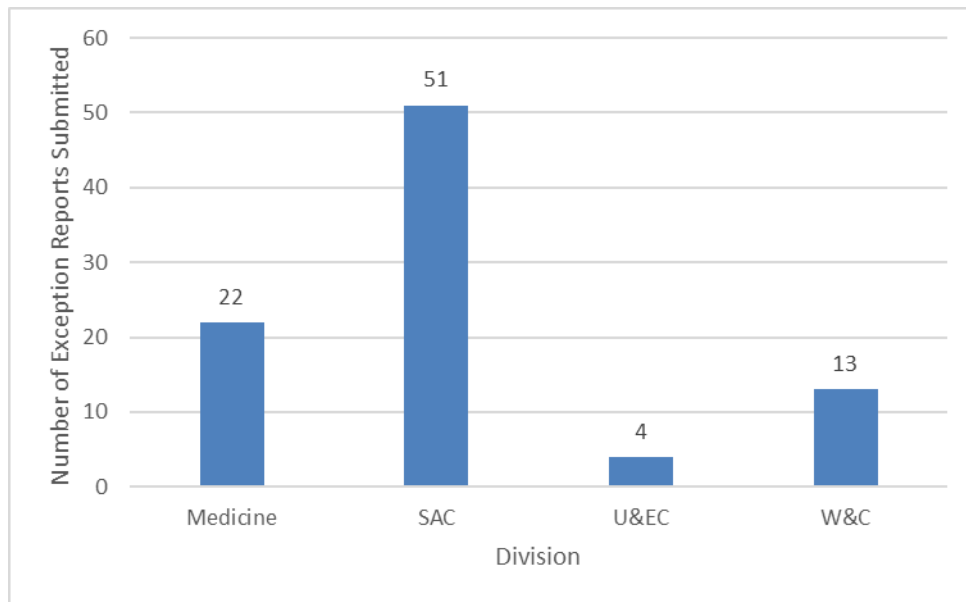


Figure 1. Exception reports by Division for Trainees

Figure 1 shows that the majority of the exception reports received during this period - 51 (55%) in total - are from postgraduate doctors working in the **Surgery, Anaesthetics and Critical Care (SAC) Division**.

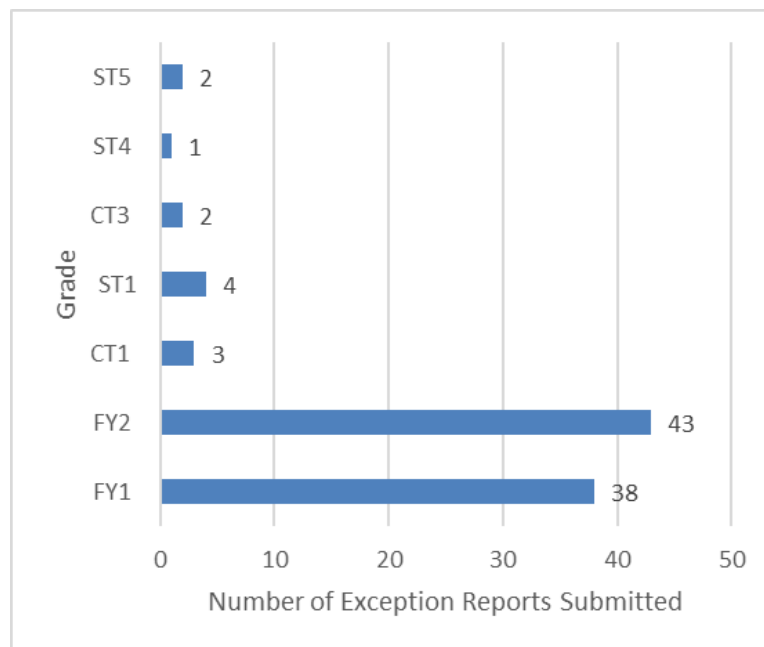


Figure 2. Exception reports by Grade for Trainees

Figure 2 shows a high number of exception reports were submitted by the Foundation Year 1 and Foundation Year 2 Doctors. In total 38 (41%) of the exception reports have come from the Foundation Year 1 Doctors, 43 (46%) from the Foundation Year 2 Doctors, 7 (8%) CT1/2 and ST1/2 doctors and 5 (5%) from CT3/ST3+ doctors.

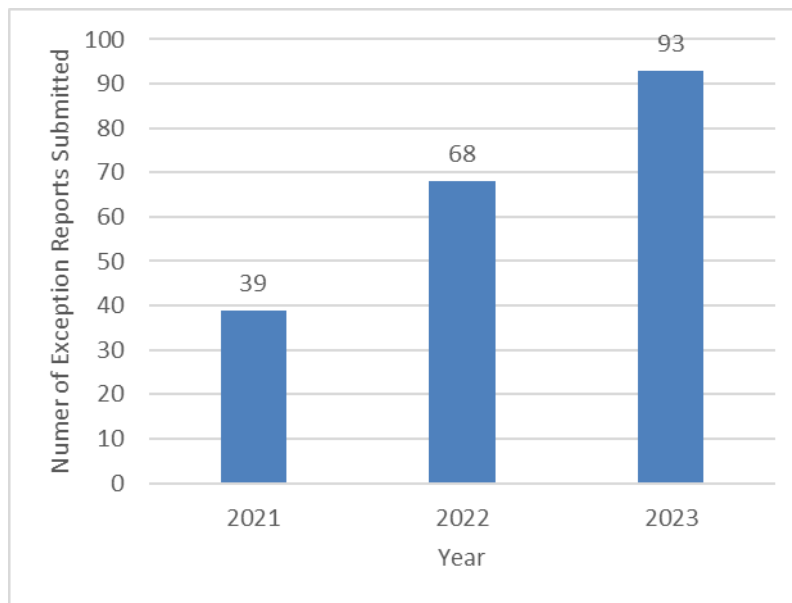


Figure 3. Comparison of number of exception reports for the same period between 2021, 2022 and 2023

Before the Pandemic, in 2018 for the same quarter, this number was 111 and in 2019 it was 56.

Date	Grade and Specialty of Doctor	Details of Immediate Safety concern reported by the Trainee	Action Taken	Status of the Concern
18.02.23	F1 in General Surgery	The Trainee worked an additional 30 minutes on a very busy day to ensure the patients were safe	Registrar and consultant aware	The report has been closed.
03.03.23	F2 in T & O	Covered 23 patients some of which were quite unwell and needed additional support. A number of TTO's were also requested. Asked for additional	Supervisor aware and payment for additional hours has been made.	The report has been closed.

		support but no one was available to assist. Worked an additional 2 hours.		
23.03.23	F1 in Medicine	Night junior doctor did not arrive for shift. Leaving 1 doctor to clerk, take referrals and care for EAU patients. Worked an additional ½ hour.	Supervisor aware and reviewing staffing	The report has been closed.
01.04.23	Clinical Fellow in Acute Medicine	CF felt that they were looking after too many patients and didn't have the senior support. Unable to take break.,	Supervisor aware and asked the doctor to contact consultant on call in future.	The report has been closed.

Table 1. Immediate Safety Concern Concerns Raised

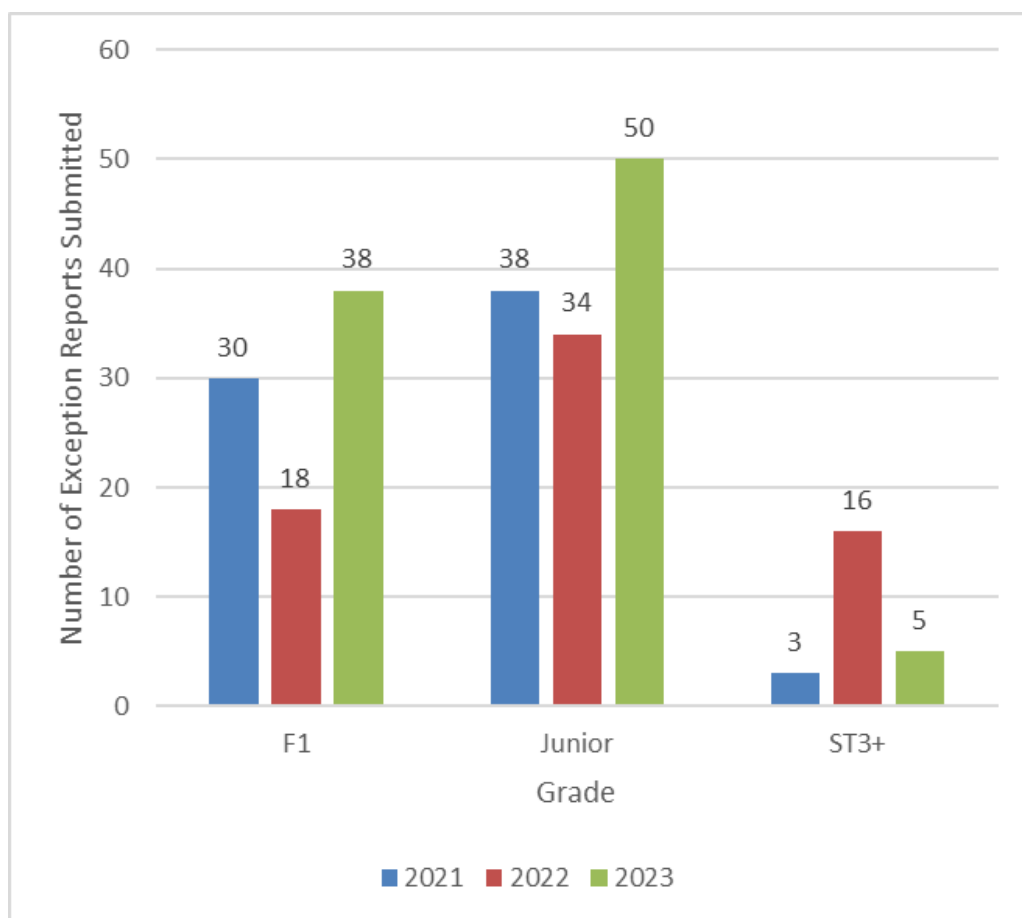


Figure 4. Number of Exception reports by doctors by grade for the same quarter between 2021, 2022 and 2023.

Figure 4 shows that this year there have been more exception reports from the foundation year 1 doctors and junior grade doctors than in previous years but there are less exception reports from the ST3+ doctors than in 2021. However, overall the number of exception reports is increasing.

Exception Reports from Clinical Fellows

Clinical Fellows are now using the allocate system and prior to this commencing two reports were received and they were both due to working additional hours. Both have since been closed.

Work Schedule Reviews

There have been no work schedule reviews. Exception reports continue to be dealt with as a one-off with few progressing to a work schedule review for issues that are recurrent.

Fines

There were no fines issued this quarter.

Vacancies

The Trust currently has 208 doctors in training. As mentioned in the introduction, there are 16 vacancies currently where the Trust has not been allocated trainees by HEEM, the reasons for these posts not being filled were also mentioned in the introduction, 5 of the vacancies are currently filled by Clinical Fellows. Clinical Fellow recruitment is ongoing with the aim of filling as many training vacancies as possible.

The remaining gaps will be filled by doctors on the bank where needed to support the rotas, which represents a cost pressure to the Trust.

The numbers of clinical fellows that have been recruited for the August changeover have been increased to allow more flexibility to cover trainee vacancies in August and to support the Trust over the winter period. This will negate the need for as many agency doctors and bank doctors as have been used in previous years at a junior and middle grade level. The additional numbers recruited have been based on the need in previous years.

Qualitative information

The number of exception reports made by the more senior trainees' still remains low. Although the overall number of exception reports has increased particularly amongst the F2 doctors, the hospital has remained extremely busy, therefore it is felt that there is still some under reporting, however, this is reducing. The response to the exception reports by Educational and Clinical Supervisors within the required 7 days remains low. Table 3 below indicates the number and percentage of exception reports that were not responded to within the required time frame of 7 days over the last year. Despite reminders, this number still remains high.

This will be an area of focus going forward for the Guardian of Safe Working. For the first time there have been more exception reports in the Surgery, Anaesthetics and Critical Care Division than in Medicine and these have generally come from General Surgery and Trauma & Orthopaedics. These reports are mainly related to working additional hours. For both areas, the rotas are currently being reviewed for the new intake of junior doctors in August. There will also be additional posts in both areas in August 2023.

Date of the Guardian Report	Number and Percentage of reports <u>not</u> responded to within 7 days
February 2023 – April 2023	58% of all reports received 54 reports
November 2022 - January 2023	75% of all reports received 65 reports
August 2022 – October 2022	66% of all reports received 72 reports
May 2022 – July 2022	25% of all reports received 10 reports
February 2022 – April 2022	56% of all reports received 38 reports

Table 3 Exception Reports not responded to within 7 days

The Guardian of Safe Working has been appointed. Three applicants applied for the post and Dr Nav Sathi was successful. Dr Sathi is a consultant in Diabetes and Endocrinology and has previously worked in both Acute Medicine and Respiratory Medicine. Dr Sathi will commence in post on 1st June 2023. A communication to the Trust and an induction programme are both currently being organised.

Work is currently underway preparing for the August rotation. A number of additional training posts both at Foundation Level and at St3+ level have been allocated to the Trust from August.

As has been seen from previous reports there has been investment in both Foundation posts and additional Clinical Fellow posts for Medicine, however, there has not been any investment in Senior posts, therefore this is welcomed as a number of exceptions do raise the lack of support at a Senior level. Rotas are currently being revised based on the increased numbers and the feedback received from Exception Reports.

As previously reported in the Medical Workforce Report presented to the Board of Directors at the meeting in May 2023, a Task and Finish Group has been established to manage the relocation of the doctors mess. This work is continuing, a walk around the new site for the mess took place on 28th April 2023 and a Business case has been completed for presentation at the Capital Oversight Group meeting on Thursday 25th May 2023.

A further period of Industrial Action by Junior Doctors has been announced this commences at 7am on 14th June and ends at 6.59am on Saturday 17th June 2023. Preparations are underway to ensure the emergency pathway and the wards are prioritised during this period.

Conclusion

- Note that for the first time there have been more exception reports from Surgery, Anaesthetics and Critical Care than from the Medical Division.
- Note the overall increase in Exception reports from this time last year.
- Clinical Fellows are now using the Allocate system to complete exception reports
- The system now sends regular reminders to supervisors and doctors where action is required to either respond to an exception report or to close an exception report.
- The Medical Workforce Team is now responding to the more simple Exception Reports
- Although the number of reports have increased since the same time last year, there is still some under reporting, particularly amongst the Senior Clinical Fellows/ST3+ doctors.
- A new Guardian of Safe Working has been recruited.

Appendix 1

Issues/Actions arising from the Guardian of Safe Working Report

Action/Issue	Action Taken (to be taken)	Date of completion
Exception reports being responded beyond the first 7 days.	The Medical Workforce Team have started to manage the more straight forward exception reports, whilst still encouraging the Clinical Supervisors to respond to those requiring Clinical input. The impact of this change will be evaluated in the next report.	31 st July 2023
Recruitment to the post of Guardian of Safe Working	A new Guardian of Safe Working has been appointed and an induction programme is currently being arranged for the new incumbent.	1 st June 2023
Investment in additional posts at F2 and St3+ level	Rotas are currently being developed to incorporate the additional posts and the feedback received from Exception reports.	5 th June 2023