

Guardian of safe working report; 2021/22

Safe working requirements for doctors

Indicator No. P2	Requirements	2021/22			
		Q1	Q2	Q3	Q4
Breaches to safe working requirements	Max 48 hour average working week	RULE:OK	RULE:OK	RULE:OK	RULE:OK
	Max 72 hours work in any 7 consecutive days	RULE:OK	RULE:OK	RULE:OK	RULE:OK
	Max 13 hour shift length	RULE:OK	RULE:OK	RULE:OK	RULE:OK
	Max 5 consecutive long shifts, at least 48 hours rest following the fifth shift	RULE:OK	RULE:OK	RULE:OK	RULE:OK
	Max 4 consec. long daytime/evening shifts, at least 48 hours rest following 4 th shift	RULE:OK	RULE:OK	RULE:OK	RULE:OK
	Max 4 consecutive night shifts. At least 46 hours rest following 3 rd or 4 th shift	RULE:OK	RULE:OK	RULE:OK	RULE:OK
	Max 8 consecutive shifts, at least 48 hours rest following the final shift	RULE:OK	RULE:OK	RULE:OK	RULE:OK
	Max frequency of 1 in 2 weekends can be worked	RULE:OK	RULE:OK	RULE:OK	RULE:OK
	Normally at least 11 hours continuous rest between rostered shifts	RULE:OK	RULE:OK	RULE:OK	RULE:OK
	30 minute break for 5 hours work, a second 30 minute break for more than 9 hours	RULE:OK	RULE:OK	RULE:OK	RULE:OK
	No consec. on-call periods except Sat & Sun. No more than 3 on-call periods in 7 consecutive days	RULE:OK	RULE:OK	RULE:OK	RULE:OK
	Day after an on-call period must not be rostered to exceed 10 hours	RULE:OK	RULE:OK	RULE:OK	RULE:OK
	Rest while on-call is 8 hrs per 24 hr period, at least 5 hrs to be continuous between 22.00 & 07.00	RULE:OK	RULE:OK	RULE:OK	RULE:OK
	No doctor should be rostered on-call to cover the same shift as a doctor on the same rota is covering by working a shift	RULE:OK	RULE:OK	RULE:OK	RULE:OK

Commentary

As highlighted in the previous report Covid situation had a significant impact on working practice across all areas including for junior doctors. There were two exception reports related to working hours over the last year.

Junior Doctors working in the Trust are subject to the TCS (terms and conditions of service) of the New Contract. Conditions to ensure safe working hours for doctors is integral to the New Contract. The rota-rules in this regard are summarised in the table above and a summary fact-sheet in this regard is enclosed.

Analysis of junior doctors rotas from the last quarter shows that it is compliant with all the rota-rules of the new contract.

Agenda
item

24.2

Guardian of safe working report; 2020/21

Commentary continued:

Exception reports: Exception reporting by junior doctors is the mechanism to highlight individual breaches to the rota-rules. For example : if a trainee doctor had to work over the stipulated hours during an on-call shift for any reason then he or she generates an Exception Report to highlight this breach. Please see the attached flow-chart for a summary of how exception reporting is managed. The Trust has implemented the DRS4 electronic software system , for exception reporting by junior doctors. This is in line with guidance nationally and represents a user-friendly way for junior doctors to raise any concerns regarding any training or working-hours issues.

Number of exception reports in recent months and since last report (related to working hours): 2

Exception reports related to working hours in 2021-22:

1. Exception raised on 3rd Jan'21. It involved a CT doctor having to overstay for few hours after a night on-call shift. It transpired that the doctor scheduled for on-call the following morning had called in sick and this was not communicated or picked up. Understandably it was anxiety provoking for the doctor exhausted from the night. The consultant on-call responded by agreeing to take over from the CT doctor.

Steps taken to resolve

In her reflection with her clinical supervisor the doctor mentioned that the consultant on-call was really supportive throughout her overstay. They remained in touch on the phone till they reached. She acknowledged that they were not aware of the situation beforehand and therefore it was an unprecedented situation for them to deal with on a bank holiday with limited working staff.

Locum payment was authorised for the additional time worked.

Steps and actions were discussed at trainee forum to avoid overstay at shift and this was circulated among medics and managers. It was acknowledged that there was a wider context of staff sickness given current covid scenario.

Guardian of safe working report; 2020/21

. 2. Exception raised on 24/2/22

The CT doctor had to do a longer shift on than the usual rota'ed 12.5 hour shift as she had booked a ILS course for that day some time previously; the ILS course started early morning hence the doctor had to make a very early start. She was rota'ed to be on a long day that day and had to rush from the course to do her on-call. The shift turned out to be unusually busy leaving her exhausted by the time she finished around 9PM. Unfortunately weather conditions had deteriorated and unexpected snow meant that she struggled to drive back home and had to face a scary driving incident which left her shaken.

Steps taken to resolve

Reflections and debrief with the trainee regarding what was clearly a frightening experience. It is hopefully a one-off incident however I advised her to log it as an exception in the event of any future recurrence of any such events which could indicate any pattern emerging. The trainee reflected that it would have been better not to book a training course back to back with an oncall shift which led to avoidable exhaustion. The trainee utilised the debrief session very well and did an excellent reflection.

Guardian of safe working report; 2020/21

Other observations: The Junior Doctors Forum is now well established as per guidance in the New Contract to discuss and monitor issues related to safe working hours. In response to the Covid situation, the forum has been conducted virtually over MS Teams. The first exception report mentioned above is a good example where systemic issues or concerns could be highlighted escalated and resolved. As before, we are utilising the forum additionally as a platform for junior doctors to discuss any concerns generally regarding working conditions and training in the Trust; in this regard it has proved to be a useful way to identify issues that require escalation to the Trust management.

– Dr Sarojit Ganguly

Guardian of safe working report; Q4 2020/21

Attchements:

(Please double-click to expand)



Factsheet – rota rules at a glance

For full details please refer to schedule 3 of the [terms and conditions of service \(TCS\)](#).

Rule	Notes
Max 48 hour average working week*	A guardian of safe working hours fine will apply if this rule is breached
Max 72 hours work in any 7 consecutive days*	A guardian of safe working hours fine will apply if this rule is breached
Max 13 hour shift length	On-call periods can be up to 24 hours
Max 5 consecutive long shifts, at least 48 hours rest following the fifth shift	Long shift - a shift rostered to last longer than 10 hours
Max 4 consecutive long daytime/evening shifts, at least 48 hours rest following the fourth shift	Long evening shift - a long shift starting before 16.00 rostered to finish after 23.00 (a long shift starting after 16.00 will fall in the definition of a night shift)
Max 4 consecutive night shifts. At least 46 hours rest following the third or fourth such shift	Night shift - at least 3 hours of work, in the period 23.00 to 06.00. Rest must be given at the conclusion of the final shift, which could be the third or fourth
Max 8 consecutive shifts (except on low intensity on-call rotas), at least 48 hours rest following the final shift	Low intensity on-call - duty on a Saturday and Sunday where 3 hours, or less, work takes place on each day, and no more than 3 episodes of work each day. Up to 12 consecutive shifts can be worked in this scenario provided that no other rule is breached
Max frequency of 1 in 2 weekends can be worked	Weekend work - any shifts/on-call duty periods where any work falls between 00.01 Saturday and 23.59 Sunday
Max frequency of 1 in 2 weekends can be worked (special exception for nodal point 2)	For one placement at F2 (typically emergency medicine), the definition of weekend work is any shift rostered to start between 00.01 Saturday and 23.59 on a Sunday
Normally at least 11 hours continuous rest between rostered shifts (separate on-call provisions below)*	Breaches of rest subject to time off in lieu (TOIL) which must be given within 24 hours. In exceptional circumstances where rest reduced to fewer than 8 hours, time will be paid at a penalty rate & doctor not expected to work more than five hours the following day. A guardian of safe working hours fine will apply in this circumstance.
30 minute break for 5 hours work, a second 30 minute break for more than 9 hours*	A guardian of safe working hours fine will apply if breaks are missed on at least 25 per cent of occasions across a four week reference period. Breaks should be taken separately but if combined must be taken as near as possible to the middle of the shift.
Specific to on-call working patterns	
No consecutive on-call periods apart from Saturday & Sunday. No more than 3 on-call periods in 7 consecutive days	A maximum of 7 consecutive on-call periods can be agreed locally where safe to do so and no other safety rules would be breached; likely to be low intensity rotas only
Day after an on-call period must not be rostered to exceed 10 hours	Where more than one on-call period is rostered consecutively (e.g. Sat/Sun), this rule applies to the day after the last on-call period
Expected rest while on-call is 8 hours per 24 hour period, of which at least 5 hours should be continuous between 22.00 and 07.00	If it is expected this will not be met, the day after must not exceed five hours. Doctor must inform employer where rest requirements not met. TOIL must be taken within 24 hours or the time will be paid
No doctor should be rostered on-call to cover the same shift as a doctor on the same rota is covering by working a shift.	Unless there is a clearly defined clinical reason agreed by the clinical director and the working pattern is agreed by both the guardian and the director of medical education

* highlights where a potential guardian fine applies.



EXCEPTION REPORT FLOW CHART: Safe working practices

