

Academy of Medical Royal Colleges

European Working Time Directive

The EWTD is a Directive of the European Union, aiming to improve the health and well-being of all workers and their families. It is widely recognised that this Directive presents major challenges to medicine and the NHS.

During 2008-2009 a number of the Colleges drew attention to growing concerns about the possible impact of further implementation of the Directive upon the safety and quality of clinical care and the quality of education and training. The Academy made submissions to the Department of Health reiterating these concerns and urged a united approach to overcome such problems.

Working with the Department of Health and other stakeholders

In response arrangements were made for the Academy to work with the Department of Health and - through the Colleges - with Strategic Health Authorities (SHAs) and Trusts, to provide professional advice and data analysis to assess the impact of the Directive throughout the NHS.

The Academy participates in the European Working Time Directive National Reference Group which was set up in January 2009. It is co-chaired by the Academy and by the Department of Health. The Group, which represents all key stakeholders, advises Ministers on implementation, with particular attention to the impact on training and patient services.

Medical Education and Training

The Secretary of State for Health has asked that a review be undertaken to identify areas where changes to training might be necessary as a consequence of doctors' reduced working hours. The Academy and individual Colleges expect to contribute to the work as their remit is to protect and advance standards of training.

The Academy welcomed this action [News Release, Academy, 26 May 2009].

Derogation

An independent Scrutiny Panel, also chaired by the Academy, reviewed all services for which SHAs sought derogation. The Panel reviewed applications from 62 Trusts in England and recommended 200 out of 202 rotas for derogation.

The National Reference Group prepared evidence for the Secretary of State to inform a judgement on whether it was appropriate for HM Government to apply to the European Commission for derogation for the UK. Granting derogation would allow rotas for trainee doctors to be based on a 52-hour week for up to three years from 1 August 2009 where particular difficulties exist.

The Secretary of State has said that 'The UK remains absolutely committed to enabling all junior doctors to work and train safely, in compliance with the EWTD. The Government recognises that some services may need more time to be fully compliant and it will use the derogation provision where needed'. [Department of Health, 26 June 2009].

Continuing liaison between Colleges and SHAs

The Academy's recommendations to the Secretary of State have consistently emphasised the need for the liaison group work established between the Colleges and the SHAs to continue, to support Trusts seeking derogation and those where difficulties might persist or arise after 1 August. The Department of Health has accepted these recommendations.

Risk assessment of the EWTD

Senior members of the medical profession have raised the question of risk assessment of the EWTD. The purpose of risk assessment would be to examine the possible consequences for patient care and doctors' training in different healthcare systems in Europe against the benefits of reducing the risks to patients incurred when doctors work excessive hours, besides protecting the health and safety of doctors.

In May 2009 the Academy considered the question. It concluded that there should be such an assessment and wrote urging Government to seek this step by the European Commission.

In response the Department of Health stated that should new negotiations on the Directive open up it has asked that the need for appropriate analysis is raised. However the Department points out that it will be for the European Commission to decide what action they wish to pursue.

Future engagement

The Academy will remain fully engaged and vigilant in the weeks ahead.