

To: • ICBs:

- chief executives
- chief operating officers
- chairs
- chief people officers/HR directors
- medical directors

• Trusts:

- chief executives
- chief operating officers
- chief people officers/HR directors
- medical directors

• CSU managing directors

cc. • Regional:

- directors
- medical directors
- directors of nursing
- heads of EPRR

NHS England
Wellington House
133-155 Waterloo Road
London
SE1 8UG

27 February 2023

Dear Colleagues,

Industrial Action – planning for future industrial action

Thank you for everything you and your teams are doing to provide NHS patients with the best possible care during the ongoing industrial action.

You will be aware that the British Medical Association (BMA) gained a national mandate for strike action by junior doctors earlier this week. The BMA has now notified Trusts and members that the first round of action will start on Monday 13 March and conclude on the morning of Thursday 16 March. They will also now be joined by members of the Hospital Consultants and Specialists Association (HCSA) (who had previously announced strike action on 15 March) and the British Dental Association (BDA), aligning with the dates and times of the BMA action. This will include complete cessation of labour for 72 hours. Full details of the ballot and 19 Trusts in scope can be found on the BDA's website.

Junior doctors are being instructed not to begin any shift that is due to start after 06:59 on Monday 13 March 2023 or before 06:59 hours on Thursday 16 March 2023. If they are working the Sunday night shift and finish after 07:00, they will finish this shift and hand over as usual. They will start work again as usual after 06:59 on Thursday 16 March 2023. The industrial action will take the form of a full stoppage of work, including night shifts, on-call shifts, and non-resident work.

The BMA has confirmed that there will be no derogation of services negotiated at any level for the during the strike period, with the exception being arrangements to recall staff in event of a mass casualty incident.

Junior doctors are also valued members of general practice in training practices. While capacity and staffing levels in general practice may also be impacted by junior doctors taking strike action, GP contractors are responsible for maintaining patient access to appropriate care on industrial action days.

Self-assessment of potential impact of junior doctors' action

Ahead of this action we are asking each Integrated Care System to coordinate an early self-assessment of the potential impact of strike action in each of the affected Trusts in your system, as well as the impact at ICB level. The excel template for this assessment is attached to this letter as ANNEX A.

Please complete the template on the assumption that all junior doctors who are BMA members will take continuous strike action for 72 hours over 3 weekdays and that no derogations are agreed nationally or locally.

When you assess the impact of this scenario, please consider the patient safety and operational impact in all organisations affected by strike action, and options for mitigations within your system (and/or with neighbouring systems). For example, in previous junior doctor industrial action consultants, staff grade and locally employed doctors, along with other staff, were redeployed to cover work normally undertaken by junior doctors.

We will use the information you provide regionally and nationally to identify areas for escalation or further guidance, and to focus our support for systems.

Please provide the collated response on behalf of your system using the attached template to your Regional Operations Centre by **16:00 on Wednesday 01 March**, copying in Regional Chief Medical Officers and Heads of EPRR.

Regional Operations Centres are asked to collate and review returns, and to send the collated returns for their region, together with any summary, to the National Operations Centre by no later than 12:00 on Thursday 2 March.

Support and guidance

Please do continue to engage with regional NHS England teams for support and guidance - and to share and access good practice through regional networks.

To support Trusts and systems in development of cover arrangements, clinicians have developed a short summary checklist of tasks often completed by junior doctors. Other staff groups carrying out these roles may need additional support, training, and handover in advance to be able to complete these tasks. The checklist is attached to this letter as ANNEX B.

HEE have produced a set of useful FAQs on industrial action and management of Doctors in Postgraduate Training, which are available here:

<https://medical.hee.nhs.uk/medical-training-recruitment/medical-specialty-training/industrial-action-and-management-of-doctors-in-postgraduate-training>

NHS Employers have also updated their pages on industrial action, including specific FAQs on action by junior doctors: <https://www.nhsemployers.org/articles/industrial-action-guidance-resources-and-faqs>.

Next steps regarding BMA (junior doctors) and BDA (hospital dental trainees) members strike action

We will share further technical guidance on Trust and ICB level pre-action assurance and SDCS data collections in coming days, for those organisations where strike action will occur. These collections will follow a similar format to that used for industrial action by other staff groups.

Details of the pre-assurance and planning steps expected for Trusts where BDA members will be taking strike action will also follow, in a separate letter, in due course.

Royal College of Nursing (RCN) industrial action

In particular, we also wanted to thank you for your recent assessment of the impact of RCN strikes planned on 1-3 March. This information was very valuable in our planning for the strikes and sharing the potential impact of strikes with stakeholders.

As the RCN have paused the strike action for these dates, there will be no further data collections or assurance requests for Trusts and ICBs relating to it. However, we need to continue to plan for all potential future industrial action.

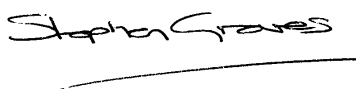
Industrial action by GMB, UNISON and Unite members on 2, 6 and 8 March

Further strike action is currently planned on 2 March (Christie NHS FT only) and on 6 March and 8 March at a number of Ambulance Trusts, and at a small number of other Trusts on these dates. There is also action planned for the 20 March. We will write separately about arrangements for pre-assurance and data collection on the impact of these strikes in coming days.

Many thanks for your continued cooperation and support in providing this information and your ongoing efforts to help mitigate and manage the industrial action.

If you have any questions, please contact your regional team.

Yours sincerely,



Stephen Groves

Director of NHS Resilience
NHS England