

- To: • ICBs:
- chief executives
 - chief operating officers
 - chairs
 - chief people officers/HR directors
- Trusts:
- chief executives
 - chief operating officers
 - chief people officers/HR directors
- CSU managing directors

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

21 April 2023

- cc. • Regional:
- directors
 - directors of nursing
 - heads of EPRR

Dear Colleagues,

Industrial Action – 30 April to 3 May: Approach, pre-action assurance, rescheduled activity, and workforce situation report (SitRep) data collections

This letter outlines the approach to pre-action assurance and capturing workforce and activity impacts of industrial action as announced by the Royal College of Nursing (RCN) at 104 Trusts (including 6 Ambulance Services) and 19 Integrated Care Boards (ICBs) from 20:00 on 30 April to 20:00 on 2 May 2023.

Unite members are also taking action at a small number of Trusts between 1 and 3 May 2023, and we await confirmation of affected organisations and times.

All affected Trusts and ICBs are asked to submit timely data returns so we can fully understand the impacts. We realise that preparing for and managing industrial action continues to be a challenging task for you and your staff, and we thank you for everything you are doing to ensure we give patients the best possible care under the circumstances.

As with previous industrial action, we trust system leaders to make decisions to ensure we maintain a safe urgent and emergency care pathway – and that critical care, maternity, neonatal care, and trauma sites are resilient. The decisions on what measures are needed are for local determination.

Elective care

It is important that, where rescheduling is necessary, cancer care (particularly for patients who have already been waiting over 62 days, or who are likely to pass day 62 if their

appointment needs to be rescheduled), other clinically urgent care and RTT long waiters are prioritised. Where any appointment changes occur, it is important to ensure patients are kept informed and not disadvantaged by the industrial action and they are rescheduled and seen, where possible, before the end of May 2023.

Pre-action readiness self-assessments

NHS England is again requesting ICBs and Trusts affected by RCN and Unite industrial action to report confidence in their ability to provide critical services safely on the days of industrial action using a modified version of the previously issued Excel template. A separate template will be issued for Ambulance Services.

The readiness templates will be issued on Friday 21 April via the National Operations Centre (NOC) and Regional Operations Centres (ROCs).

The deadline for the first return to the NOC is **12:00 on Wednesday 26 April**. Regional teams will be in contact to agree local submission timescales.

A second return will be requested to highlight any changes to the previous submission given we anticipate a rapidly evolving picture in terms of staffing cover and risk. The deadline for resubmission of the template to the NOC will be **09:00 on Friday 28 April**; regional teams will again be in contact to agree local submission timescales ahead of this.

Trusts and ICBs are asked to complete the template on the basis that no derogations are agreed with the RCN to exempt services (beyond stated commitments to life preserving care and recall of staff in the event of major unexpected incidents) and to complete the template based on realistic local planning assumptions for the level of clinical cover.

How we will use the readiness self-assessments

We will use the information you provide to identify areas for escalation or further guidance, provide support with derogation requests (where applicable) and to focus our support for systems.

Submission requirements for pre-action assurance

Trust and ICB submission requirements

Pre-action readiness self-assessment documents will be cascaded and returned via each ROC to NHS Trusts and ICBs. Our expectation is that returns are completed by Operational and/or EPRR leads working with UEC leads in Trusts and ICBs.

Trusts are asked to complete the templates, and ICBs are asked to collate responses on behalf of their system and complete a return for their ICB itself as an affected organisation.

Regional submission requirements

Regional Operations Centres are asked to liaise with ICBs to ensure a comprehensive and accurate picture of local preparations and to identify service and geographical areas of concern. Once regions have collated and reviewed ICB and Trust returns, regional UEC and EPRR teams are asked to complete a joint regional overview, and to send both this regional overview and the collated ICB and Trusts returns for their region to the NOC.

Workforce and rescheduled activity situation report (SitRep) data collections via Strategic Data Collection Service (SDCS)

NHS England will conduct two SitRep data collections via the Strategic Data Collection Service (SDCS) as follows:

- 1) **Industrial Action workforce SitRep.** This will collect numbers of staff taking part in the industrial action, and total numbers of staff due to be at work. This data will be collected once on Wednesday 3 May. The collection will be open for all affected ICBs and Trusts.
- 2) **Industrial Action rescheduled activity SitRep.** This will collect information on activity that has been rescheduled because of the industrial action. The collection will be open for *all* acute, community and mental health trusts, ambulance services, and ICBs. All organisations are requested to submit data, even if it is a nil return.

Data collections on rescheduled activity will run on three occasions – on Wednesday 26 and Friday 28 April (to provide initial estimates and aid in planning), and on Wednesday 3 May (to provide final figures for the impact of the industrial action, which will be published).

The collection will request the figures of rescheduled activity for the eight-day period of 27 April to 4 May 2023 inclusive.

Notes

Resubmissions will be needed for the rescheduled collections on Friday 28 April and Wednesday 3 May if the data has changed from the previous submission on Wednesday 26 April. Any new submission will overwrite the previous submission (e.g., if the first submission reported 100 rescheduled appointments, and then a further 2 were found to have been rescheduled after the original submission, then the revised submission would need to show 102 rescheduled appointments).

A schedule highlighting which data will be collected on each of the upcoming dates are included at **Annex A**.

How we will use the SitRep information

Data from the collections prior to each day of industrial action will be used to understand the anticipated position, inform local conversations, and help NHSE target regional support and follow-up - it will not be published. Highlights of the data collected on Wednesday 3 May will confirm the summary position following the period of industrial action and be published on NHS England's website in the usual way.

Submission requirements

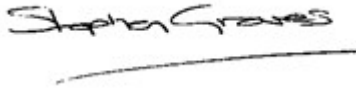
Submissions will be made through the SDCS, and on any day that the collection is running we will open the collection at 09:00 and the deadline for submission will be 13:00 that day. **The template will be available to download from SDCS from 09:00 on the day the collection is running.**

Guidance and support

More detailed guidance notes will be shared with registered submitters ahead of the first collection. If you have any questions, please contact your regional team.

Many thanks for your continued cooperation and support in providing this information and ensuring a high return rate.

Yours sincerely,

A handwritten signature in black ink that reads "Stephen Groves". The signature is written in a cursive style and is positioned above a solid horizontal line.

Stephen Groves
Director of NHS Resilience
NHS England

Annex A - Schedule of data collections and assurance returns

Date	Return or collection	Method
Friday 21 April 2023	Pre-action assurance [#1] issued	Excel via NOC and ROCs
Saturday 22 April 2023	<i>No SDCS collections or assurance returns – subject to change, if required</i>	-
Sunday 23 April 2023	<i>No SDCS collections or assurance returns – subject to change, if required</i>	-
Monday 24 April 2023	<i>No SDCS collections or assurance returns – subject to change, if required</i>	-
Tuesday 25 April 2023	<i>No SDCS collections or assurance returns – subject to change, if required</i>	-
Wednesday 26 April 2023	Pre-action assurance [#1] returned by 12:00 to NOC	Excel via NOC and ROCs
	SDCS IA rescheduling sitrep for all Trusts (estimate of impacts of RCN and/or Unite action) for the 8-day period of 27 April - 04 May inclusive	SDCS collection
Thursday 27 April 2023	<i>No SDCS collections or assurance returns – subject to change, if required</i>	-
Friday 28 April 2023	Pre-action assurance [#2] resubmitted by 09:00 to NOC	Excel via NOC and ROCs
	SDCS IA rescheduling sitrep for all Trusts (estimate of impacts of RCN and/or Unite action) for the 8-day period of 27 April - 04 May inclusive	SDCS collection
Saturday 29 April 2023	<i>No SDCS collections or assurance returns – subject to change, if required</i>	-
Sunday 30 April 2023	<i>No SDCS collections or assurance returns – RCN action begins 20:00</i>	-
Monday 1 May 2023 (Bank Holiday)	<i>No SDCS collections or assurance returns – RCN action 24 hours</i>	-
Tuesday 2 May 2023	<i>No SDCS collections or assurance returns – RCN action concludes 20:00</i>	-
Wednesday 3 May 2023	SDCS IA rescheduling sitrep for all Trusts (impacts of RCN and/or Unite action) for the 8-day period of 27 April - 04 May inclusive	SDCS collection
	SDCS IA workforce sitrep for affected Trusts and ICBs (impacts of RCN and/or Unite action)	SDCS collection