

Classification: Official

Publication reference: PRN00677



To:

NHS England
Wellington House

- 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

133-155 Waterloo Road
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01 August 2023

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

Dear Colleagues,

Industrial Action –BMA and HSCA Junior doctors and BDA dental trainees (11 - 15 August 2023); BMA and BDA Consultants (24 - 26 August 2023): Pre-action self-assessment, rescheduled activity, and workforce data collections

This letter provides information regarding NHS England's approach to pre-action self-assessment and reporting of workforce and rescheduled activity impacts of the industrial action announced by the British Medical Association (BMA) and Hospital Consultants and Specialists Association (HCSA) junior doctors and British Dental Association (BDA) dental trainees from 07:00 on Friday 11 August – 07:00 Tuesday 15 August. It also sets out the approach for action by consultant members of the BMA and BDA consultants from 0700 on Thursday 24 August - 0700 Saturday 26 August 2023.

Based on their experience of previous action by both Consultants and Junior Doctors, we are asking Trusts to optimise the volume of planned and elective activity, planning for the entirety of the cumulative period of disruption (both strikes and days in between and either side) and the upcoming bank holiday (Monday 28 August). Where appropriate, urgent elective surgery (P1 and P2), 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), and long waiters should be the final cohorts to be rescheduled.

As with July's industrial action by Consultants, complex planning will be required across different services within each Trust (for example surgical and ITU teams) to ensure adequate staffing through the entirety of urgent care pathways and other services.

Early and systematic discussion between specialties and service areas is key to ensure a shared understanding of expected staffing levels - as is dialogue between staff, management, and the local negotiating committee.

Use of temporary staff

NHS systems and trusts should review their use of temporary staff during this period to take account of the High Court ruling that found that the Government's decision to introduce regulations which permitted the use of temporary staff to replace striking workers was unlawful. This ruling takes effect from 10 August and will apply to this set of Industrial Action. Organisations should take account of [legal update and advice](#) issued by NHS Employers and/or their own legal advice in their planning for forthcoming strikes.

An additional question has been included in the ICB pre-action self-assurance templates for both Junior Doctor and Consultants industrial action to capture the impact of this judgement.

Pre-action self-assessment – ICB requirement

Ahead of industrial action, NHS England is requesting ICBs to report confidence in their service provision in their area. **There are two excel self-assessment templates provided with this letter, one for each of the upcoming actions.** They set out questions to capture the likely impact of action by HSCA and BMA junior doctors, and BDA dental trainees from 11-15 August and BMA and BDA Consultants from 24-26 August 2023.

In line with the NHS operating model and ICBs' responsibilities as Category 1 responders and system leaders, **we are asking for returns to be completed by ICBs only.**

Our expectation is that returns are co-ordinated by ICB EPRR leads informed by decision-making and operational planning led by Medical Directors and Workforce/People directors.

The self-assessment return should be informed by dialogue with Trusts, understanding of plans at Trust and place levels, as well as ICB- and network- level preparations.

We will use your information to identify risk areas for escalation or further guidance, to guide our conversations with Trade Unions and the Government, and to focus our support for systems.

Pre-action self-assessment - deadlines and assumptions

For **junior doctors' industrial action**, ICBs are asked to complete the template on the basis that no derogations are agreed (beyond the stated commitments to recall staff in the event of mass casualty incidents).

ICBs first template return (due with the NOC by 1000 on Tuesday 8 August) should provide an initial assessment of readiness for junior doctors' industrial action. We appreciate that detail will improve as planning progresses and that initial assessments will be updated.

The second return (due with the NOC by 1000 on Thursday 10 August) should confirm each ICB's readiness position ahead of junior doctor action.

ICBs will be informed of the regional submission date and time by their NHS England regional office. This will be in advance of the deadlines stated above. This timing will

be aligned to ensure the region has time for review returns ahead of submission to the National Operations Centre (NOC).

For **BMA and BDA consultant action**, ICBs are asked to plan and complete the template based on local intelligence on staff intent and reflecting your area's ability to ensure minimum sufficient consultant cover to manage anticipated demand, based on Trusts' assessment of likely staffing levels on the day and progress of discussions with Trade Unions and staff.

We will reissue the guidance on the BMA derogation process for both junior doctors and consultants along with the associated form and any necessary updates once it has been reconfirmed by the BMA.

At present it is anticipated that the same process will apply, including a commitment to recall of staff in the event of externally declared major incidents with mass casualties, and a process for advance agreement of derogations (in exceptional circumstances only).

A written return from ICBs setting out readiness in relation to the action being taking by Consultants will be expected by Wednesday 23 August (due with the NOC by 1000).

ICBs will be informed of the regional submission date and time by their NHS England regional office. This will be in advance of the deadline stated above.

Pre-action self-assessment - Regional role

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. Where ICBs indicate there are trusts or services of concern and the return does not provide detailed information, NHSE region should contact the relevant ICB for further detail.

Once regions have collated and reviewed each set of ICB returns, regional EPRR teams are asked to complete a regional overview template, and to send both this regional overview and the collated ICB returns for their region to the NOC.

When the second return for JD's (due with the NOC by 1000 on Thursday 10 August). **We will also at this stage ask for regions for early indications of any areas of concern ahead of consultant action.**

Regions are also asked to ensure they are able to give a verbal ICB by ICB level outline of key concerns and risks relating to consultants IA at the IA working group meeting on Monday 21 August.

Workforce and rescheduled activity situation report (SitRep) data collections

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

- a. **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. The collection will be open for all ICBs and Trusts. All organisations are requested to submit data, even if it is a nil return. The template for this can be found in **Annex A**.
- b. **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 and will request the figures of rescheduled activity. All organisations are requested to submit data, even if it is a nil return. The template for this can be found in **Annex B**. Guidance for completion is provided as **Annex D**.

SitRep data collections – dates, timing, and guidance

The **rescheduled activity collection** will run three times for each action;

- For Junior Doctors IA- on **Monday 7 August** and **Thursday 10 August** (to provide an initial internal estimates and aid in planning), and **Tuesday 15 August** (to provide final figures for the impacts of the industrial action by junior doctors). For the initial Junior Doctor Industrial Action this will be a nine-day period of 09 – 17 August inclusive.
- For Consultants IA - on **Friday 18 August** and **Wednesday 23 August** (to provide an initial internal estimates and aid in planning), **Tuesday 29 August** (to provide final figures for the impacts of the industrial action by consultants). This collection takes place on the first working day following action. For the Consultant action it will cover a nine-day period 22 – 30 August inclusive.

Collections prior to the periods of industrial action will be used to understand the anticipated position of each Trust and help NHS England target regional support and follow-up - data will not be published.

Highlights of the data collected on **15 and 29 August** following each period of industrial action will be published on NHS England's website in the usual way.

The **workforce collection** will run twice:

- For Junior Doctors IA - on **Tuesday 15 August** (to cover junior doctors' industrial action from 11 – 15 August)
- For Consultants IA - on **Tuesday 29 August** (to cover consultants' industrial action from 24 – 26 August).

This data is published and used for both internal and media reporting therefore it is important that an accurate submission is received from every organisation. **The window will close at 13:00 on the days of collection and will not be reopened.**

Submissions will be made through the SDCS platform. 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 first day the collection is running. Missing returns will be highlighted to regional Chief Operating Officers for follow-up.

A schedule highlighting which data will be collected on each date is included at **Annex C**.

More detailed guidance notes will be shared with those registered as submitters in SDCS ahead of the first collection. An extract can be found in **Annex D**. If you have any questions, please contact your regional team.

Updates on the days of strike action

Use of any additional template or SitRep returns 'on the day' are for NHSE regional team and ICB agreement, during the planning stage.

Many thanks for your continued cooperation and support in providing this information and ensuring a high return rate. And thank you for your continued efforts to provide NHS patients with the best possible care during these challenging periods of Industrial Action.

Yours sincerely,

A handwritten signature in black ink that reads "Mike Prentice". The signature is written in a cursive, slightly slanted style.

Mike Prentice

National Director for Emergency Planning and Incident Response, NHS England

Annex A – Workforce collection

Collection on 15 August

IA Workforce Sitrep

You can now upload your data.

Occupation / group	Total number of staff absent from work as a result of IA (headcount) for the period of action 07:00 11 August 2023 to 06:59 12 August 2023	Total number of staff who should have been working (headcount) for the period of action 07:00 11 August 2023 to 06:59 12 August 2023	Total number of staff absent from work as a result of IA (headcount) for the period of action 07:00 12 August 2023 to 06:59 13 August 2023	Total number of staff who should have been working (headcount) for the period of action 07:00 12 August 2023 to 06:59 13 August 2023	Total number of staff absent from work as a result of IA (headcount) for the period of action 07:00 13 August 2023 to 06:59 14 August 2023	Total number of staff who should have been working (headcount) for the period of action 07:00 13 August 2023 to 06:59 14 August 2023	Total number of staff absent from work as a result of IA (headcount) for the period of action 07:00 14 August 2023 to 06:59 15 August 2023	Total number of staff who should have been working (headcount) for the period of action 07:00 14 August 2023 to 06:59 15 August 2023
Medical and Dental								
11	Medical / Dental - Consultant							
12	Medical / Dental - In Training (e.g. Foundation Y1 & Y2, STRs (incl FTSTAs & LATs), SHOs, SpRs / SpTs / GPRs)							
13	Medical / Dental - Other (e.g. Staff, Associate Specialist and Specialty (SAs))							
14	General Medical/Dental Practitioner							

Collection on 29 August

IA Workforce Sitrep

You can now upload your data.

Occupation / group	Total number of staff absent from work as a result of IA (headcount) for the period of action 07:00 24 August 2023 to 06:59 25 August 2023	Total number of staff who should have been working (headcount) for the period of action 07:00 24 August 2023 to 06:59 25 August 2023	Total number of staff absent from work as a result of IA (headcount) for the period of action 07:00 25 August 2023 to 06:59 26 August 2023	Total number of staff who should have been working (headcount) for the period of action 07:00 25 August 2023 to 06:59 26 August 2023
Medical and Dental				
11	Medical / Dental - Consultant			
12	Medical / Dental - In Training (e.g. Foundation Y1 & Y2, STRs (incl FTSTAs & LATs), SHOs, SpRs / SpTs / GPRs)			
13	Medical / Dental - Other (e.g. Staff, Associate Specialist and Specialty (SAs))			
14	General Medical/Dental Practitioner			

Annex B – Rescheduled activity SitRep

Collection on 7, 10, 15 August

IA Elective Activity Rescheduling Sitrep

You can now upload your data

	Inpatient										Outpatient (overall)			(Outpatient - cancer detail)					
	Provide the number of elective procedures that you have rescheduled as a result of industrial action (NB reschedules should be submitted against the date the procedure was due to take place, not the day it was rescheduled).										Provide the number of outpatient appointments that you have rescheduled as a result of industrial action (NB reschedules should be submitted against the date the appointment was due to take place, not the day it was rescheduled).			Number of cancer outpatient appointments rescheduled as a result of industrial action					
	1a. All Inpatient	1b. of 1a, the number which are P1/P2 cancer surgery	1c. of 1a, the number which are P3/P4 cancer surgery	1d. of 1a the number which are colonoscopy	1e. of 1a, the number which are radiotherapy	1f. of 1a, the number which are chemotherapy	2a. All Day case	2b. of 2a, the number which are cancer surgery	2c. of 2a, the number which are colonoscopy	2d. of 2a, the number which are radiotherapy	2e. of 2a, the number which are chemotherapy	3a. Total Outpatient appointments (sum of 3b and 3c)	3b. All New appointments (inc 2 week waits & triage appoints)	3c. All Review appointments	4a. Of 3a, the total Cancer-related outpatients	4b. Of 4a, the number which are New 2 week waits (inc triage appoints)	4c. Of 4a, the number which are colonoscopy	4d. Of 4a, the number which are radiotherapy	4e. Of 4a, the number which are chemotherapy
09 August 2023	0										0								
10 August 2023											0								
11 August 2023											0								
12 August 2023											0								
13 August 2023											0								
14 August 2023											0								
15 August 2023											0								
16 August 2023											0								
17 August 2023											0								

Collections on 18, 23, 29 August

IA Elective Activity Rescheduling Sitrep

You can now upload your data

	Inpatient										Outpatient (overall)			(Outpatient - cancer detail)					
	Provide the number of elective procedures that you have rescheduled as a result of industrial action (NB reschedules should be submitted against the date the procedure was due to take place, not the day it was rescheduled).										Provide the number of outpatient appointments that you have rescheduled as a result of industrial action (NB reschedules should be submitted against the date the appointment was due to take place, not the day it was rescheduled).			Number of cancer outpatient appointments rescheduled as a result of industrial action					
	1a. All Inpatient	1b. of 1a, the number which are P1/P2 cancer surgery	1c. of 1a, the number which are P3/P4 cancer surgery	1d. of 1a the number which are colonoscopy	1e. of 1a, the number which are radiotherapy	1f. of 1a, the number which are chemotherapy	2a. All Day case	2b. of 2a, the number which are cancer surgery	2c. of 2a, the number which are colonoscopy	2d. of 2a, the number which are radiotherapy	2e. of 2a, the number which are chemotherapy	3a. Total Outpatient appointments (sum of 3b and 3c)	3b. All New appointments (inc 2 week waits & triage appoints)	3c. All Review appointments	4a. Of 3a, the total Cancer-related outpatients	4b. Of 4a, the number which are New 2 week waits (inc triage appoints)	4c. Of 4a, the number which are colonoscopy	4d. Of 4a, the number which are radiotherapy	4e. Of 4a, the number which are chemotherapy
22 August 2023	0										0								
23 August 2023											0								
24 August 2023											0								
25 August 2023											0								
26 August 2023											0								
27 August 2023											0								
28 August 2023											0								
29 August 2023											0								
30 August 2023											0								

Annex C – Schedule of data collections and pre-action self-assessment returns

Date	Return or collection	Method
Tuesday 01 August 2023	Letter issued to the system outlining pre-action self-assessment and SitRep approach to both Junior Doctor and Consultant action [cascade]	via NOC and ROCs and published on website
	Pre-action self-assessment for Junior Doctor and Consultant Industrial Action. Issued for return 8th, 10th and 23rd August.	Excel via NOC and ROCs
Wednesday 02 August 2023	<i>No SDCS collections or self-assessment returns – subject to change, if required</i>	
Thursday 03 August 2023	<i>No SDCS collections or self-assessment returns – subject to change, if required</i>	
Friday 04 August 2023	Joint derogations letter cascaded.	via NOC and ROCs and published on website
Saturday 05 August 2023	<i>No SDCS collections or self-assessment returns – subject to change, if required</i>	-
Sunday 06 August 2023	<i>No SDCS collections or self-assessment returns – subject to change, if required</i>	-
Monday 07 August 2023	SDCS IA rescheduling sitrep for all Trusts (estimate of impacts of BMA, HCSA and BDA Junior Doctor action) for the 9-day period of 09 Aug – 17 Aug 2023. [D-4 JD]	SDCS collection
Tuesday 08 August 2023	Pre-action self-assessment for Junior doctor action returned by 10AM	Excel via NOC and ROCs
Wednesday 09 August 2023	<i>No SDCS collections or self-assessment returns – subject to change, if required</i>	-
Thursday 10 August 2023	Pre-action self-assessment for Junior doctor action returned by 10AM	Excel via NOC and ROCs
	SDCS IA rescheduling sitrep for all Trusts (estimate of impacts of BMA, HCSA and BDA Junior Doctor action) for the 9-day period of 09 Aug – 17 Aug 2023, inclusive) [D-1 JD]	SDCS collection
Friday 11 August 2023 BMA, HSCA, BDA JD action starts 0700	<i>No SDCS collections or self-assessment returns – subject to change, if required</i>	-
Saturday 12 August 2023	<i>No SDCS collections or self-assessment returns – subject to change, if required</i>	-
Sunday 13 August 2023	<i>No SDCS collections or self-assessment returns – HCSA, BMA, BDA JD action</i>	-
Monday 14 August 2023	<i>No SDCS collections or self-assessment returns – HCSA, BMA, BDA JD action</i>	-
Tuesday 15 August 2023 BMA, HSCA, BDA JD action ends 07:00	SDCS IA rescheduling sitrep for all Trusts (covering the 9-day period of 09 Aug – 17 Aug 2023) [D+1 JDs]	SDCS collection
	SDCS IA workforce sitrep for all ICBS and Trusts, including ambulance trusts (to cover Junior Doctor' industrial action from 11-15 August).	SDCS collection
Wednesday 16 August 2023	<i>No SDCS collections or self-assessment returns – subject to change, if required</i>	SDCS collection
Thursday 17 August 2023	<i>No SDCS collections or self-assessment returns – subject to change, if required</i>	-
Friday 18 August 2023	SDCS IA rescheduling sitrep for all Trusts (estimate of impacts of BMA and BDA Consultant action) covering the 9-day period of 22 Aug – 30 Aug 2023. [D-6 Cons]	SDCS collection

Date	Return or collection	Method
Saturday 19 August 2023	<i>No SDCS collections or self-assessment returns – subject to change, if required</i>	-
Sunday 20 August 2023	<i>No SDCS collections or self-assessment returns – subject to change, if required</i>	-
Monday 21 August 2023	Verbal assurance from regions for readiness for BMA and BDA Consultant action	IA Working Group
Tuesday 22 August 2023	<i>No SDCS collections or self-assessment returns – subject to change, if required</i>	-
Wednesday 23 August 2023	Pre-action written self-assessment BMA and BDA Consultant action only returned by 10AM [D-1 Cons]	Excel via NOC and ROCs
	SDCS IA rescheduling sitrep for all Trusts (estimate of impacts of BMA and BDA Consultant action) covering the 9-day period of 22 Aug – 30 Aug 2023. [D-1 Cons]	SDCS collection
Thursday 24 August 2023 BMA & BDA Consultant ACTION Starts (08:00 TBC)	<i>No SDCS collections or self-assessment returns – BMA & BDA Consultant action</i>	-
Friday 25 August 2023	<i>No SDCS collections or self-assessment returns – BMA & BDA Consultant action</i>	-
Saturday 26 August 2023 BMA & BDA Consultant ACTION Ends (08:00 TBC)	<i>No SDCS collections or self-assessment returns – BMA & BDA Consultant action</i>	-
Sunday 27 August 2023	<i>No SDCS collections or self-assessment returns – subject to change, if required</i>	-
Monday 28 August 2023 (Public Holiday)	<i>No SDCS collections or self-assessment returns – subject to change, if required</i>	-
Tuesday 29 August 2023	SDCS IA rescheduling sitrep for all Trusts (covering the 9-day period of 22 Aug – 30 Aug 2023).	SDCS collection
	SDCS IA workforce sitrep for all ICBS and Trusts, including ambulance trusts (to cover consultants' industrial action from 24-26 August).	SDCS collection

Annex D – Extract from guidance for Industrial Action Sitrep collections – July 2023

Rescheduled activity SitRep

Column name	Guidance
Date	Specify the day that the appointment was originally planned for
1a. All Inpatient	A count of all standard inpatient (i.e. Not Day case) appointment/ procedure scheduled for the specified date that has been changed by the provider due to industrial action. This includes both appointments where a new date has been provided and those where a new date has not yet been confirmed.
1b. of which P1/P2 cancer surgery	Of all those in 1a, the number that were for P1/P2 surgeries relating to cancer a cancer pathway.
1c. of which P3/P4 cancer surgery	Of all those in 1a, the number that were for P3/P4 surgeries relating to a cancer pathway.
1d. of which cancer colonoscopy	Of all those in 1a, the number that were for colonoscopies relating to cancer a cancer pathway.
1e. of which radiotherapy treatments	Of all those in 1a, the number that were for radiotherapy.
1f. of which chemotherapy treatments	Of all those in 1a, the number that were for chemotherapy.
2a. All Day case	Any Day Case inpatient appointment/ procedure scheduled for the specified date that has been changed by the provider due to industrial action. This includes both appointments where a new date has been provided and those where a new date has not yet been confirmed.
2b. of which cancer surgery	Of all those in 2a, the number that were for surgeries relating to cancer a cancer pathway.
2c. of which cancer colonoscopy	Of all those in 2a, the number that were for colonoscopies relating to cancer a cancer pathway.
2d. of which radiotherapy	Of all those in 2a, the number that were for radiotherapy.
2e. of which chemotherapy	Of all those in 2a, the number that were for chemotherapy.
3a. Total Outpatient appointments	Count of all outpatient appointments/ procedures scheduled for the specified date that has been changed by the provider due to industrial action. This includes both appointments where a new date has been provided and those where a new date has not yet been confirmed. This cell is auto-calculated from the contents of 3b and 3c
3b. All New (incl 2 week waits)	Of all those in 3a, how many rearranged appointments are New appointments, including those from a 2 week wait referral including triage appointments.
3c. Reviews	Of all those in 3a, how many rearranged appointments are review appointments.
4a. Of 3a, the total Cancer-related outpatients	Count of all cancer related outpatient appointments/ procedures scheduled for the specified date that has been changed by the provider due to industrial action. This includes both appointments where a new date has been provided and those where a new date has not yet been confirmed.
4b. New 2 week waits inc triage appointments	Of all those in 4a, how many rearranged appointments are New, 2 week wait referral appointments, including triage appointments.
4c. Of which are cancer colonoscopy	Of all those in 4a, how many rearranged appointments are for a colonoscopy appointment relating to a cancer pathway.
4d. Of which are radiotherapy	Of all those in 4a, how many rearranged appointments are for a radiotherapy appointment.
4e. Of which are chemotherapy	Of all those in 4a, how many rearranged appointments are for a chemotherapy appointment.

Full guidance will be shared with SDCS submitters ahead of collections