

19th February 2024

RE: Junior Doctors Industrial Action 24th February 2024 to 28th February 2024

Junior Medical Staff FAQs

Industrial Action – General FAQs

1. When will the industrial action be and what is the planning priority?

As required by law, the unions have given at least two weeks' notice of industrial action. It is planned from 7am on Saturday 24th February 2024 to 11:59pm of Wednesday 28th February 2024 (the Friday 23rd February 2024 overnight shift will be finished and handed over as usual).

Maintaining patient safety during the period of industrial action is our priority and our focus will be on our urgent and emergency pathways, maternity services and our inpatient areas. We are anticipating that we will need to step down most outpatient and elective activity in order to focus on safely providing care for patients on urgent and emergency pathways.

2. Who can take industrial action?

Any doctor who holds a Junior Doctor contract with the NHS, is eligible to take industrial action. They must however be rostered to work on the days of action in order to strike.

[Taking industrial action \(bma.org.uk\)](http://bma.org.uk)

Consultant, Specialist Grade and Specialty and Associate Staff doctor (SAS) contract holders are not eligible to take industrial action.

3. How many junior doctors will take IA?

This may not be clear until the days of action. Whether an eligible junior doctor opts to take industrial action is a personal choice, and we will respect whatever choice individuals make. Junior doctors aren't obliged to share their choice with us in advance of the industrial action, and they shouldn't be pressurised with questions. We are very grateful where individuals feel able to disclose their intentions to us in advance, as this will help us plan to keep patients safe.

Industrial action is unpaid, so financial impact may prevent some junior doctors exercising their right to strike. Individuals can choose to strike on some days, or all the days of industrial action. They do not have to take action on all days if they do not wish to. Whatever the reasons for their individual choice, it is important that all doctors feel respected by clinical leaders, managers, and peers.

4. What form will the industrial action take, and what derogations are being agreed?

The BMA have stated that the industrial action will be a full walkout, which means that some activity (including elective and emergency) will be affected. "Derogations" are exemptions from industrial action for individuals and services. To date, the BMA have not agreed any derogations, with the exception being arrangements to recall staff in the event of a mass casualty incident.

5. What activity is going ahead?

We are reviewing all services and dependent on the rota templates and predicted staff availability, some activity will be stood down.

The plans are being worked up and will be confirmed via the Incident Management Team with details to be shared as soon as possible.

6. What activity would be stood down?

We are currently reviewing our planned elective activity for the duration of the industrial action, including for period of time leading up to the action, and after.

7. Who is providing cover, and will any other healthcare professionals be able to support senior doctors?

All Consultants, Specialist Grade and SAS contract holders will be asked to help cover the roles undertaken by our junior doctors, as well as provide their usual senior leadership. For many senior doctors, this could mean being asked to 'act down' within their own specialty at either middle tier (Tier 2) or intermediate grade (Tier 1); or act down and across at Tier 1 grade to provide junior doctor cover for another specialty.

8. Will any other healthcare professionals and scientists be able to support?

We are fortunate to have many skilled Nurses, Midwives and Allied Health Professionals, Pharmacists and Healthcare Scientists and we will ask them for their support. Their expertise will be really valuable in keeping our patients safe.

9. How will the Emergency Departments be covered?

Emergency Departments will be covered by our Emergency Department Consultants, SAS doctors and Emergency Nurse Practitioners/Advanced Clinical Practitioners, with support from prescribing pharmacists.

10. What support is going to be available for managing deteriorating patients?

A rota of clinicians will be in place to support cardiac arrests and provide emergency response for deteriorating patients.

11. Who is going to do the nights on call?

Every specialty will be asked to ensure sufficient cover for its services, including 24/7 cover where required. The Consultant and Tier 2 levels of cover can only be provided by specialists. Tier 1 cover for some specialties may need to be provided by senior doctors of other specialties where it is safe and appropriate, and where those doctors are willing to cross-cover. Specialties will need to work out and agree cover for their own rotas, but consideration should be given to the following two principles:

- Those covering resident nights should ideally be those who most recently covered resident nights as Tier 2 doctors,
 - Those covering resident nights should ideally do more than one night where possible, for continuity; however, we recognise that this may not be practical for some colleagues and arrangements should be negotiated within specialty teams.
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Industrial Action – Consideration for Individuals

12. I am not in a Trade Union organisation, am I able to take industrial action?

Yes, a colleague not in a union will have employment protection if they take part in industrial action.

13. Can my manager ask me if I am intending to take industrial action?

Yes, but we respect that you are not legally obliged to answer. It is likely that your manager will want to understand if you intend to take industrial action, to enable them to make appropriate plans to maintain services and patient safety. Although you are not obliged to answer, and you may change your mind at the last minute, it would be helpful if you could let us know your intentions to ensure we are as prepared as possible for keeping our patients safe.

14. Will I be paid for days where I take industrial action?

No, each day not worked due to industrial action will be without pay.

Pay will be deducted as a daily rate calculated as follows:

$$\frac{\text{Annual Salary}}{12} \div 31$$

Deductions will be made in the next possible payroll following industrial action, and they will be recorded on your pay slip.

15. What happens to my pension if I take industrial action?

As you are not entitled to be paid for any period during which you are taking strike action, the days of industrial action will be non-pensionable, and no pension contributions will be deducted from your salary. No pension service credit will therefore accrue for the period, and this means that an employer pension contribution will also not be paid. If you are an active member of the NHS Pension Scheme you can buy additional pension if you wish to do so. Please refer to the NHS Business Authority website for further details.

16. What if I have annual leave booked for the period of industrial action?

If you have pre-booked annual leave which coincides with the industrial action period, this will be honoured and be paid as usual. If you are not planning to take strike action and you are able to be flexible with your leave plans to support us, then please speak with your rota co-ordinator.

17. What if I am already absent from work for the period of industrial action i.e. long term sickness absence, parental leave?

Usual pay provisions will continue during any period of sickness absence or parental leave.

18. If I am not due on duty on the days of industrial action and wish to take part, what will this mean for me?

If the industrial action falls on a non-working day and you wish to participate in your own time by supporting the picket line, this will be your choice. There will be no deduction of pay in this instance, because you are not due to be in work. Please be mindful that to maintain safe staffing levels during the period of industrial action you may be asked if you are able to work on non-working/non-rostered days. It will be your choice whether you choose to work.

19. What if I had no intention of taking part in strike action but I fall ill on the day of industrial action and I am unfit for work?

You are required to report all unplanned absence via your rota manager, in the normal manner, providing the specific reasons why you cannot come to work. A welcome back to work meeting will be undertaken on your return to work.

20. What if I am not taking part in strike action and would like to undertake additional shifts?

Any additional shifts outside your rostered activity will be paid in line with the agreed industrial action rates of pay. Please let your rota co-ordinator or Head of Department know what you can work as soon as possible to help with our planning. Any additional hours will be paid through the normal bank process.

21. What if I am taking part in strike action but I would like to undertake additional shifts instead through the medical bank?

You cannot undertake a bank shift in a period of time you would have ordinarily been rostered to work but are taking part in strike action. You may be able to undertake a bank shift in a period of time you would not have been ordinarily rostered to work, however, this will be reviewed on a case by case basis, depending on service needs.

22. I do not have a substantive post with Blackpool Teaching Hospitals NHS Foundation Trust, but I work on the bank. Will I receive the industrial action rates of pay if I work bank shifts to provide cover?

Yes, you will be paid the agreed industrial action rates.

23. What if I am not taking part in strike action but I have rostered self-development time (SDT) as a trainee?

If you are not striking, we may need to replace your SDT with direct patient care activities due to the gaps in our staffing and the need to prioritise patient care. If you liaise with your rota co-ordinator, we will ensure that your self-development time is rescheduled.

24. What do I need to know about taking part in a picket line?

To join the picket line, you must be either an employee of Blackpool Teaching Hospitals NHS Foundation Trust, or a Lead Employer junior doctor hosted at Blackpool, working at one of our sites. You may also be a Trade Union official supporting colleagues on the picket line. The exact locations of the picket lines at our sites are yet to be confirmed, but we expect them to be close to the hospital entrances on the public footpath. A picket supervisor will be appointed by the unions to ensure the picket line is in a safe place for you, other colleagues, the public and road users. We expect that all picketing will be done peacefully with no threatening or intimidating behaviour towards those that attend work and cross the picket line.

The Code of Practice on picketing (<https://www.gov.uk/government/publications/code-of-practice-picketing>) states that there should be a maximum of six official pickets at each entrance/exit of a workplace, although we understand that the unions will not restrict the number of colleagues offering support to the picket line.

It is likely that your Trade Union organisation will make arrangements for the picketing on days of industrial action, therefore, please make contact with your Trade Union to find out the plans.

25. What additional support is there available?

If you have concerns, please speak to your line manager, Head of Department or an Operational Manager. Our local union representatives will also be available to offer support.

26. Lead Employer

Junior doctors employed by the Lead Employer should also refer to lead employer communications and the website <http://www.leademployer.sthk.nhs.uk>

27. Trade Union Information

Please also refer to information and guidance from your Trade Union Organisation.
[Strike advice and FAQs for junior doctors \(bma.org.uk\)](http://bma.org.uk)

28. Health and Wellbeing

We appreciate that this may be a stressful time for colleagues, so the Trust wants to outline support that remains available to you, should you need it, which includes:

Occupational Health – you can either self-refer or speak to you manager to make a referral.

You can also contact Katy Coope, Executive Director of People & Culture, by MS Teams or katy.coope@nhs.net