

Rt Hon Steve Barclay MP

Secretary of State for Health and Social Care

Sent via email

19 September 2023

Dear Secretary of State,

This morning we listened with interest to your interview on BBC Radio 4's Today programme and your justification for the government imposing new limitations on doctors taking legitimate strike action.

A key strand of your justification was a deeply disingenuous claim that 17 derogation requests escalated to the BMA for consideration during August industrial action were agreed locally beforehand and then refused at a national level.

While derogation requests may be discussed at a local level, it is not the responsibility of Local Negotiating Committees (LNCs) to come to any agreements with NHS leadership during strike action. As the LNC chairs involved in 12 of these requests, we can tell you, it is categorically untrue that any agreements were made locally. Derogation requests are subject to a national process which has been agreed by both the BMA and NHS England. In fact, despite our Trusts' initial derogation requests, urgent and emergency services continued to be delivered with other doctors stepping in to provide cover for their colleagues.

As others, including NHS Providers, have said, imposing minimum service levels will do nothing to address the underlying issues that have led consultants and junior doctors to take industrial action.

We would urge you to retract your claims about past derogations and set the record straight at the earliest opportunity. Failure to do so will demonstrate that the case for this legislation and introducing mandatory minimum service levels is built on a deceit.

Yours sincerely,

Dr Lynne Campbell

University Hospitals Sussex, Local Negotiating Committee, chair

Dr Rizwan Hasan

North West Anglia, Local Negotiating Committee, chair

Dr Nasser Q Khan

East and North Hertfordshire, Local Negotiating Committee, chair

Mr Ian McNab

Oxford University Hospitals, Local Negotiating Committee, chair

Dr Naresh Nandwani

University Hospitals Derby and Burton, Local Negotiating Committee, chair

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