

Professor Phil Banfield
Chair, BMA Council
BMA House
Tavistock Square
London
WC1H 9JP

Wellington House
133-155 Waterloo Road
London
SE1 8UG

3 October 2023

Dear Phil

We write in respect of the ongoing industrial action being taken by the BMA.

While NHS England recognises that consultant and junior doctors are taking lawful industrial action in line with their respective mandates, we are increasingly concerned that the cumulative impact of this action is causing significant disruption and risk to patients.

In writing to you, we recognise the stated aim of the BMA to protect urgent and emergency care during industrial action and to maintain patient safety. We also welcome the consultants' decision to pause further strike announcements to enable further discussions.

First, we are extremely concerned that Christmas Day cover is insufficient to ensure appropriate levels of patient safety are being maintained across local health systems. This is particularly the case in the current period of industrial action, with three consecutive Christmas Day levels of service.

The reasons for this are two-fold: we are not experiencing Christmas Day levels of pressure, when demand falls by around a third, nor are we seeing the drop in bed occupancy levels that occurs immediately prior to Christmas.

In addition, successive days of Christmas Day cover are significantly impacting on the ability of systems to maintain flow throughout our emergency pathways, which in turn is resulting in delayed ambulance handovers, deteriorating ambulance response times and long waits for patients in Emergency Departments. Local systems are also finding it harder to put in place normal mitigations used to maintain flow in adults and children's emergency care, such as additional ward rounds to facilitate timely discharge.

Secondly, we are becoming increasingly concerned that combined periods of industrial action are impacting on our ability to manage individuals who require time-sensitive urgent treatment, for example cardiac, cancer or cardiovascular patients, or women needing urgent caesarean sections.





Although we recognise that consultants have been giving six weeks' notice of industrial action, we are anxious this in itself is not sufficient to appropriately maintain safe care for these patients. This is particularly the case when periods of industrial action occur in close proximity – such as during the last month where two of the four weeks have been impacted.

NHS England is undertaking further analysis of the impact of industrial action on this specific group of patients and would welcome further discussions with the BMA.

We agree with the BMA that further discussions are needed on strengthening the derogation process, which we believe is not currently working as it should, ahead of any future industrial action. For example, the inclusion of specific triggers around patient flow, such as handover delays, delayed admissions from A&E and delayed discharges, would ensure the process is more robust.

Many of these issues have already been discussed in our regular industrial action operational meetings, which we continue to value. However, in light of our responsibility to support the NHS and maintain patient safety we feel it is important these concerns are also now raised formally.

Kind regards

Dr Navina Evans CBE
Chief Workforce, Training and Education Officer

Professor Sir Stephen Powis
National Medical Director

Dame Ruth May
Chief Nursing Officer for England

Sir James Mackey
Interim Chief Operating Officer