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Derogation requests during industrial action

You will be aware that the British Medical Association (BMA) has notified NHS England that, following a ballot, resident doctors will be taking industrial action between 06.59 on Friday 14 November and 06.59 on Wednesday 19 November 2025.

Since industrial action was announced, we know that NHS organisations have been planning for service delivery with fewer staff. As doctors, we at the BMA wish to ensure that, while resident doctors are taking lawful industrial action, patients remain safe.

NHS England has written to you expressing an expectation that you will maintain >95% of elective and non-emergency activity. As clinicians and leaders, you know what is safe in your trust. As always, you should staff your emergency and cover rotas first with consultants, SAS, military, academic or other doctors who will not be taking industrial action. Where necessary, you should appropriately incentivise these doctors to take on this additional extra-contractual work. Where required, you should reschedule less urgent activity to prioritise the safety of emergency care.

We acknowledge that, despite the comprehensive contingency plans being put in place, unpredictable events, major incidents, and unexpected and extreme circumstances where mitigations in place fail, may require a request for resident doctors to return to work for a limited period to maintain safe patient care.

This measure, known as a 'derogation', is not in place to avoid disruption caused by industrial action but to ensure that in unexpected and extreme circumstances patients will continue to receive safe care. Derogations will not be granted if planning has not occurred to incentivise non-striking doctors to cover emergency work, or if non-emergency work is continuing. We will keep working with NHS England to enable this system to function as intended for the occasions it is required.

We want to reiterate that NHS England and the BMA both recognise it may be necessary, as an exception, for a trust to contact resident doctors directly in the event

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of a mass casualty event, explaining the situation and seeking their immediate return to work, while simultaneously escalating the situation to the BMA as described above.

Yours sincerely



Dr Tom Dolphin
BMA Council Chair



Dr Emma Runswick
BMA Council Deputy Chair

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