

Sandwell & West Birmingham Hospitals NHS Trust

Frequently Asked Questions – Industrial Action – BMA Consultant medical staff

(Please note these FAQ’s should be read in conjunction with the FAQ’s for all staff)

<p>1.</p>	<p>What does the proposed industrial action involve?</p> <p>The BMA has a confirmed proposed dates for industrial action. The proposed date and type of action is set out below.</p> <p>“Christmas Day” cover will provided by Consultant staff</p> <ul style="list-style-type: none">• Any shift after 06:59 on Thursday 20 July and any shift before 06:59 on Saturday 22 July. <p>The Trust will therefore request for all doctors not involved with industrial action to work flexibly, although within their scope of competency, to ensure the organisation is able to provide a safe level of care during this period.</p>
<p>2.</p>	<p>How is the Trust preparing for the industrial action?</p> <p>Extensive planning has been underway since we learnt of the possibility of industrial action. Our aims are to support colleagues to take part in industrial action if they choose, as well as provide safe care for patients. Each Group is being asked to complete a risk assessment for each of their specialties and will consider what level of service they will be able to provide during the industrial action period and the arrangements that need to be put in place in order to be able to do so safely.</p> <p>Group’s plans will need to provide named cover for all clinical areas.</p> <p>All Group plans will be subject to review and sign off by Executive team. Proposed activity on the dates of industrial action will not be signed off unless there are clear plans in place to provide assurance that the proposed activity can be undertaken safely.</p>
<p>3.</p>	<p>Has the Trust arrangements for the management of the industrial dispute been discussed with the BMA?</p> <p>The Trust is working closely with the regional BMA and local leads to agree the arrangements and will continue to do so during the lead up to the industrial action date to ensure there is open and transparent communication of plans and support. Significant actions are underway to support the Consultant strike action compassionately and ensure patient care is appropriately maintained.</p> <p>There are no agreed derogations and the Trust have implemented plans based on this advice.</p> <p>Should a major incident be declared, the Trust will contact Consultants via their mobile phone via the current EPRR protocols. We therefore request that you have your mobile phone with you and on during the industrial action period.</p>

	It has been confirmed that there will not be a picket during this industrial action.
4.	<p>Do you know how many Consultants are likely to be taking industrial action?</p> <p>We cannot say for sure. Groups are being asked to plan on the assumption that the majority of our Consultants will take part in the industrial action and the trust acknowledge and support their legal right to do so.</p> <p>Groups are having local discussions sensitively with all Consultants to ask them to confirm their intention to take industrial action. The Trust recognise and respect colleagues position should they not wish to disclose their position.</p>
5.	<p>Can junior doctors and SAS doctors cover the work of Consultants in the event of industrial action?</p> <p>No. You must work within your professional scope of practice. If you are a junior doctor or SAS Doctor you will not be asked to work without named Consultant supervision during industrial action.</p>
6.	<p>Will Consultant and SAS Doctors study leave/annual leave be cancelled?</p> <p>The Groups will be reviewing planned commitments falling on the days of industrial action. Authorised annual leave will be honoured unless it would be unsafe to do so. SPA and study leave activity may be cancelled and rescheduled in the near future where possible.</p> <p>Future annual leave and study leave requests for this period of industrial action will not now be approved.</p>
7.	<p>What happens if I am booked to attend study leave on a day of industrial action?</p> <p>If you are booked to undertake a planned study leave activity which is subsequently cancelled you are required to attend work (unless you are taking part in industrial action)</p> <p>Where study leave is cancelled to enable you to support the Trust to maintain safe services on a day of industrial action, the associated costs will be met by the organisation.</p> <p>If you choose not to undertake a planned study leave activity that continues as normal on an industrial action day, then this will be industrial action. Your pay will be affected and the costs of the study leave activity will not be reimbursed.</p>
8.	<p>Will Consultants’ activity need to be cancelled during strike action?</p> <p>Yes activity will need to be cancelled if it does not fall within the “Christmas Day” service agreed and the Consultant has confirmed they will be taking industrial action. Where activity is taking place, as the Consultant has confirmed they are not taking industrial action, then this will be in accordance with their job plan. This should be agreed locally at the earliest opportunity to minimize the impact on patients.</p>

<p>9.</p>	<p>How should we remunerate Consultants and SAS doctors that agree to provide cover as additional work?</p> <p>For this industrial action there would not be any additional work provided as those rostered to provide the “Christmas Day” cover are unable to strike. Other non “Christmas Day” activity is being cancelled where the Consultant has confirmed they are taking industrial action. Where activity is taking place, as the Consultant is not taking industrial action, then this will be in accordance with their job plan. There would therefore not be any additional payments to be made.</p> <p>Clinical Groups should not agree any cover arrangements that lead to additional payments. If there is a scenario that they are unclear about they should escalate to the Chief Operating Officer and Chief Medical Officer.</p>
<p>10.</p>	<p>What if a Consultant who is rostered to be on-call during the industrial action wants to strike?</p> <p>The national agreement is that a “Christmas Day” service will be provided so the on-call Consultant is unable to strike unless a colleague is found who agrees to swap the on-call. If a swap is agreed then no additional payment needs to be made.</p> <p>For example:</p> <p>CURRENT PLAN:</p> <p>Strike day: Cons A on call (but wants to strike)</p> <p>Cons B DCC/SPA</p> <p>Future normal day: Cons A DCC/SPA</p> <p>Cons B on call</p> <p>IF SWAP AGREED:</p> <p>Strike day: Cons A DCC/SPA (but strikes so activity is lost and deduction from pay made).</p> <p>Cons B on call</p> <p>Future normal day: Cons A on call</p> <p>Cons B DCC/SPA</p> <p>Summary: If swap occurs as above, Cons B does the same amount of work as per their job plan so no extra remuneration needed.</p> <p>Clinical Groups should not agree any cover arrangements that lead to additional payments. If there is a scenario that they are unclear about they should escalate to the Chief Operating Officer and Chief Medical Officer.</p>

	<p>The Trust has taken advice from Capsticks (the Trust’s and NHS Employers solicitors) on this issue who have confirmed that our approach is appropriate and consistent with their advice.</p>
11.	<p>How will lost activity due to Consultant industrial action be regarded in terms of fulfilment of annual job plan activity?</p> <p>If the Consultant is taking part in industrial action and DCC activity is lost then the expected annualised total will need to be reduced accordingly and deduction from pay will be made.</p>
12.	<p>When will the pay deductions be made for this industrial action?</p> <p>The pay deductions will be taken from the Consultants’ August salary. The deduction will be based on 1/31st of monthly salary for each day of industrial action as there are 31 days in July. If industrial action takes place in another month then it will be divided by the number of day in the month.</p> <p>Monthly salary for these purposes will include payments for on-call supplement and consolidated LCEA payments ie payments of pre 2018 LCEA scheme but will exclude non-consolidated LCEA payments ie those from post 2018 LCEA scheme. Further information can be found in the NHS Employers FAQs Pay-and-contract-FAQs-during-strike-action-of-consultants-13-July_0.pdf (nhsemployers.org)</p>
13.	<p>Will the Trust allow Doctors to publicise their reasons for taking industrial action on Trust premises?</p> <p>No. This is a national dispute, and the Trust takes no position on the industrial action.</p> <p>Colleagues are asked not to engage in publicity about the industrial dispute whilst on Trust premises. We would ask Doctors to follow our media and social media policies. Colleagues are not permitted to share on social media images from within the Trust during the day of industrial action. Patient and staff confidentiality must be respected at all times.</p> <p>The media will not be allowed onto Trust premises without permission from the Director of Communications and would at all times, if permitted access, be accompanied by a Trust press officer.</p> <p>BMA badges/stickers may be worn discretely provided they do not contravene the Trust Uniform policy.</p> <p>Any further question or queries in relation to this matter should be directed to Vanya Rogers, head of External Communications at Vanya.rogers@nhs.net</p>
14.	<p>What if I am asked questions by patients and visitors?</p> <p>If questioned on Trust premises, doctors may inform patients or relatives about the days of action but are requested to do so in a factual and neutral way.</p>

<p>15.</p>	<p>What if I am scheduled to undertake an SPA activity on the days of Industrial Action</p> <p>Your clinical group will be in touch with you to establish whether you are taking industrial action. If you are then you will not undertake the SPA activity and your pay will be deducted. If you are not undertaking industrial action then you will undertake the SPA in accordance with your job plan.</p>
<p>16.</p>	<p>I am a Consultant and plan to take industrial action – how will my clinics and other DCC sessions be cancelled?</p> <p>The senior management team will be working closely with the relevant Clinical Directors/Group Directors and Group Director of Operations to assess all clinics and patients scheduled to attend on the industrial action days to determine what activities may proceed and which patients need to be cancelled. Doctors should liaise with their Clinical Directors regarding these arrangements.</p>
<p>17.</p>	<p>What support and wellbeing offering will be in place for Consultants who want to participate in the industrial action and for those that do not?</p> <p>Dr Mike Blaber, Pastoral Lead / Wellbeing Champion for Junior Doctors and Dr Huma Naqvi, Pastoral Lead / Wellbeing Champion for Consultants and SAS doctors are communicating directly with colleagues for support. Should any colleagues feel that they need support currently please contact these colleagues directly at:</p> <p>michael.blaber1@nhs.net syeda.naqvi@nhs.net</p>