

- To:
- Integrated care boards (ICBs):
 - chief executives
 - chief operating officers
 - chairs
 - chief people officers/HR directors
 - Trusts:
 - chief executives
 - chief operating officers
 - chief people officers/HR directors
 - directors of nursing
 - Regional directors

NHS England
Wellington House
133-155 Waterloo Road
London
SE1 8UG

1 November 2022

- cc. • Regional Heads of EPRR

Dear colleagues,

Preparedness for potential industrial action in the NHS

We are writing to update you on our preparations for potential industrial action in the NHS, advising you on what you may need to do at this stage. NHS England is responsible for ensuring that the NHS is able to plan and respond to incidents and emergencies, while remaining resilient and continuing to deliver critical services.

Trade unions representing NHS staff have advised the Secretary of State for Health and Social Care that they are in dispute over the 2022/23 pay award. A number of the unions are balloting or have signalled their intention to ballot their NHS members to take part in industrial action.

The NHS's task now is to be prepared for any potential industrial action so there is minimal disruption to patient care and emergency services can continue to operate as normal.

Although the negotiations are for the Government to lead on, at a local level it is vital that constructive relationships with trade unions and staff representatives are maintained and that the [employment rights of staff during industrial action](#) are respected.

The NHS is preparing for industrial action in the following ways:

- **Supporting trusts to be prepared:** The attached Self-Assessment Checklist has been developed to support trust preparations and this is shared with you for information only. If industrial action is confirmed, we will undertake assurance against this checklist. At that stage, providers will be asked to complete the checklist and ICBs will be asked to consolidate returns.
- **Ensuring information on confirmed industrial action, including information on derogations, is shared appropriately across systems.** Once negotiations at a national and local level have concluded we will have a clearer picture of how services would be able to operate on days of strike action. We will keep you informed on the progress of these discussions. Although trade unions may not engage in detailed discussions regarding derogations until dates for any industrial action are confirmed, you should establish and continue local discussions with the trade union representatives in your organisation on how to manage the implications of potential industrial action. ICBs should take a role in helping provide consistency of approach.
- **Testing preparedness as systems.** This work will be co-ordinated with wider winter planning. This will include Exercise Arctic Willow – a multi-day exercise for ICBs (working with trusts) planned to take place w/c 14 November. This will seek to explore the health and social care response to multiple, concurrent operational and winter pressures, and the interdependencies with Local Resilience Forum (LRF) partners in responding to these pressures. Further information on this exercise will be communicated via EPRR routes in due course.
- **Communications.** We will provide you with communications content in the event of industrial action to support system leaders in their engagement with colleagues and to reassure the public that they should continue to come forward for emergency services as normal, as the NHS is committed to keeping disruption in affected services to a minimum. We will also confirm the arrangements for how communications will be organised and agreed across the NHS during the period of industrial action.
- **Supporting system leaders (including Chief Nurses)** with guidance and support for decision making around operational activity and engagement with staff taking industrial action.
- **Minimising the reporting burden.** Alongside this letter and check list, we are sharing a draft format of the likely Situation Report that trusts will be asked to complete during confirmed action. We will use existing collections where

possible. The draft Situation Report will be issued for completion once a day to keep the additional burden to a minimum, with likely submission focused on provisional on-day figures and confirmation of the previous day's submission.

In summary, at this stage we are asking that:

- ICBs help to co-ordinate planning for potential industrial action, and use their emerging EPRR functions and system control centres to co-ordinate the management of any industrial action.
- Trusts consider the self-assessment checklist and steps needed to be taken locally.

We will write to you again if dates for industrial action are confirmed. At that stage we will ask for the self-assessment checklist to be completed by providers and co-ordinated by ICBs, with deadlines to be confirmed.

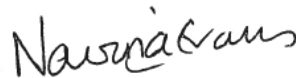
If you have any questions, please contact your regional team.

Yours sincerely,



Mike Prentice

National Director for Emergency,
Planning and Incident Response
NHS England



Navina Evans

Chief Workforce Officer
NHS England