

Guidance for HCSEA members during periods of industrial action by the BMA



As a consequence of the breakdown of talks between the government and the BMA on 4th January, industrial action by junior doctors is currently planned for the following times and dates:

- 8am Wednesday 9th March-8am Friday 11th March (junior doctors to staff emergency care)
- 8am Wednesday 6th April-8am Friday 8th April (junior doctors to staff emergency care)
- 8am Tuesday 26th April-8am Thursday 28th April (junior doctors to staff emergency care)

HCSEA members have not been balloted and therefore should not participate in the industrial action. Only those who have been balloted are given the protections from dismissal that the law offers.

■ How will this affect me as a non-junior working in a hospital?

HCSEA members will be required to go to work as normal on the days of action and carry out your normal duties. However, you may find that you do not have the usual clinical support of junior doctors and this could have implications for any planned patient care.

We know that employers are meeting with hospital consultants to discuss arrangements for the provision of patient care and we would advise HCSEA members to participate and engage with employers in this process.

The provision of cover for doctors in training on strike days does not undermine their action. However, patient safety is the key priority during any periods of industrial action and HCSEA members must not feel pressed into carrying out any procedures that they feel are unsafe. Remember, you are still bound by your professional duties as outlined in the GMC's Good Medical Practice and you should always use your professional judgement.

■ What happens if I am told to undertake the duties of a junior doctor colleague?

All doctors are expected to be flexible and to co-operate with "reasonable requests" from line managers. You may

well be asked to cover/perform the duties of a colleague who is taking industrial action. In many instances this could be interpreted as a reasonable request. Refusal to carry out such a request could result in your employer taking disciplinary action.

However, it would not be reasonable to expect a hospital doctor to undertake duties that they are not qualified to perform, or to be asked to carry out duties that would result in an individual being too tired or overburdened to work safely.

We would advise that if you are asked to perform the duties of others you should ask your line manager to provide you with a clear written instruction. On receipt of such a written instruction you should comply, but in the meantime we would advise you to contact your HCSEA national officer for advice and highlight any issues with the medical director.

If a patient is at risk, any refusal to cooperate in assisting with that patient is likely to be considered unreasonable, meaning that you will be more vulnerable to disciplinary action than if the request was to undertake work that was not clinically urgent or was not clinical in nature at all.

If you are undertaking work outside of your normal duties, these must be within your competencies and if they are of a lesser level of skill requirement or responsibility you should still be paid at your normal rate of pay.



■ What happens when the industrial action finishes?

When a day industrial action finishes, please remember the importance of continuity of care and communication with colleagues, and the following guidance from the GMC's Good Medical Practice:

"You must contribute to the safe transfer of patients between healthcare providers and between health and social care providers. This means you must:

a. share all relevant information with colleagues involved in your patients' care within and outside the team, including when you hand over care as you go off duty, and when you delegate care or refer patients to other health or social care providers

b. check, where practical, that a named clinician or team has taken over responsibility when your role in providing a patient's care has ended. This may be particularly important for patients with impaired capacity or who are vulnerable for other reasons.

"If you have undertaken duties outside of your normal duties during the period of industrial action, you must be mindful of your duties with regard to ensuring continuity and good communication if handing back care to another doctor."

■ Still unsure? Get in touch

If you have any concerns or questions, then do not hesitate to get in touch either via the secure form on the Help & Advice section of our website, via conspec@hcsa.com, or via one of the numbers below.

HCSA head office advice line.....	01256 771777
Joe Chattin, Head of Industrial Relations.....	07921 088954
Jennie Bremner, National Officer.....	07525 115761
George Georgiou, National Officer.....	07834 539845
Andrew Jordan, National Officer.....	07703 682949
Ro Marsh, National Officer.....	07525 116009
Rob Quick, National Officer.....	07834 539846
Richard Wilde, National Officer.....	07715 638117



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