



Department  
of Health

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14 MAR 2016

Thank you for your email of 17 February to Jeremy Hunt about junior doctors' contracts.

Junior doctors work incredibly hard across seven days. We value the huge contribution they make to the NHS and we agree that they deserve a fair, professional contract that supports patient care. Patient safety is the absolute priority for the Secretary of State for Health. We want to ensure that we have the safest healthcare system in the world by moving away from a culture of long, unsafe hours and by ensuring that consultants are available to make vital decisions about patient care across seven days.

Together, consultants and junior doctors are crucial to ensuring patients receive the high-quality care they need every day of the week. The British Medical Association (BMA) – the doctors' union – called for reform of the junior doctors' contract in 2008. The proposals put forward for reforming the junior doctors' contract and the consultants' contract are designed to protect the safety of junior doctors and patients as well as rewarding junior doctors more fairly and ensuring more consultant availability over weekends to support the training of junior doctors.

We have been making every effort, in good faith, to work with the BMA to introduce a new contract for junior doctors that supports these principles while maintaining average pay and ensuring no doctor is required to work longer or unsafe hours. After the BMA walked away from negotiations with NHS Employers in 2014, we and NHS Employers accepted the recommendations of the independent Review Body on Doctors' and Dentists' Remuneration in July 2015 and sought a return to

negotiations. The BMA refused to negotiate, rejected an offer published and sent to junior doctors on 4 November, and balloted for industrial action.

In November the BMA, NHS Employers and the Department agreed to talks under the auspices of the Advisory, Conciliation and Arbitration Service (ACAS) and this led to negotiations involving ACAS beginning in December. The Secretary of State appointed Sir David Dalton, a respected trust chief executive, to take those negotiations forward on behalf of the NHS and the Department. Initial talks led to a revised offer on 4 January, which the BMA refused to discuss, instead announcing that industrial action would commence on 12 January. Talks continued during that action with the BMA suspending further action that had been planned for 26-28 January.

On 1 February Sir David wrote to the Secretary of State to advise him of the progress of negotiations (see [www.nhsemployers.org](http://www.nhsemployers.org)). At the same time, the BMA announced industrial action for 10 February – with junior doctors providing emergency cover only, rather than the full withdrawal of labour that had previously been announced. This action was regrettable and unnecessary, given that Sir David's letter showed that the parties had reached agreement on many issues, most notably on safety, education and training and on many elements of a new pay structure.

Summary detail on the safety, training and pay aspects of the 4 January revised offer is set out at [www.gov.uk](http://www.gov.uk) by searching for 'summary information from letter to all junior doctors'. At Sir David's request, a letter was sent to all junior doctors in England, with details of the revised offer. It was published at [www.nhsemployers.org](http://www.nhsemployers.org).

The door remained open to the BMA to discuss the remaining issue of pay for unsocial hours, as it agreed to do in the joint agreement at ACAS in November. Sir David made a further offer to the BMA on 9 February, which was rejected. Sir David wrote to the Secretary of State on 10 February. He said that:

*Despite the most recent progress and substantial agreement on many elements of the contract, the BMA has refused to compromise on its insistence that the whole of Saturday must be paid at a premium rate. In contrast Employers' position has moved several times, on each occasion offering more hours attracting premium pay. Regardless of these changes no agreement has been possible.*

Along with other senior NHS leaders and supported by NHS Employers, NHS England, NHS Improvement, the NHS Confederation and NHS Providers, Sir David asked the Secretary of State to end the uncertainty for the service. Sir David and his



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colleagues consider the new contract both safer for patients and fair and reasonable for junior doctors.

On 11 February the Secretary of State announced that a new contract will be introduced. He also announced a review into some wider and more deep-seated issues relating to junior doctors' morale, wellbeing and quality of life, which will be led by Professor Dame Sue Bailey, the President of the Academy of Medical Royal Colleges. Further details will be set out shortly.

The Government and junior doctors want to do the same thing by improving patient care at weekends. A contract that is safer for patients as well as fair and reasonable for junior doctors is a step towards that. The further strike action announced by the BMA on 23 February is completely unnecessary as it will mean tens of thousands more patients face cancelled operations over a contract that was 90 per cent agreed with the BMA and which senior NHS leaders have endorsed as fair and safe. We urge junior doctors to look at the detail of the contract and the clear benefits it will bring, for them and for patients.

I hope this reply is helpful.

**BEN GUMMER**