PROTOCOL FOR INDUSTRIAL ACTION

Partnership arrangements in London are long standing, strong and built on the principles of good formal and informal working relations. The London NHS Partnership is built on trust and shared responsibility, while respecting difference, and always with the common goal of maintaining and ensuring patient safety. With these principles in mind, there is a real commitment from partners to work together on contingency planning to ensure that industrial action does not undermine the position of each of its partners or affect patient safety.

This protocol sets out the heads of agreement between London’s employers and London Health Unions for cooperation and collaboration in the event of large scale industrial action. Partnership arrangements locally will oversee the development of emergency cover for the day of action and this protocol does not seek to replace these local agreements. Rather, this protocol seeks to promote partnership working and support employers and staff sides to work together to sign off contingency plans.

In recognition of Employers’ statutory obligations to provide safe services and Trade Unions’ right to take Industrial Action, the following protocol in respect of the current national trade dispute over the 2013/14 pay settlement has been determined between the parties.

- It is the responsibility of employers to take steps to inform patients, clients and potential patients and clients of the impact of industrial action.

- Employers will be given ‘notice of action’ by those Trade Unions who have balloted, in line with legal requirements. This information will form part of local discussions to enable services to be planned effectively. Trade Unions nationally will provide this information.

- Local joint discussions on provision of safe service must be timely, enabling all stakeholders including healthcare partners, staff and patients to be properly briefed on the action and the necessary steps to be taken by each. Without such communication it is unlikely that the joint aim of maintaining safe service can be achieved.

- For the duration of the industrial action, Trade Unions on strike or taking action short of a strike will provide safe cover. Organisations are encouraged to reach agreement locally on the definition of safe services.

- Should employers wish to seek exemptions to posts this should be done in partnership locally and involve the appropriate regional full time officer.

- Employers will establish arrangements, taking into account the above principles, for the delivery of services based on the assumption that all members of the relevant Trade Unions will be on strike other than those subject to local emergency cover agreements.
• Should employers wish to escalate an issue relating to industrial action they should contact the appropriate regional full time officer.

• Where backlogs occur as a result of industrial action they will be addressed through local negotiation and agreement.

• Registered health care professionals must ensure that at all times they fulfil the duties placed upon them by the codes. The codes do not prohibit them from taking part in lawful industrial action.

• Union representatives will engage with employers locally on issues around contingency plans and emergency cover prior to and during the action. These plans will take account of any wider issues brought about by other industrial action across the public sector, such as school closures or transport disruption.

• It is important that communication is maintained at local & regional level throughout the build-up to any industrial action, and particularly whilst that action is under way. If employers are in doubt as to who to contact locally, London Health Unions should be contacted via the Partnership at P.Thompson@unison.co.uk or londonpartnershipspl@nhsemployers.org.

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