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Dr. Johann Malawana
Chair of Junior Doctors' Committee
British Medical Association
BMA House
Tavistock Square
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19 April 2016

Dear Johann,

Thank you for your letter today. As you know, we have been seeking to reach agreement with your Committee on a new junior doctors' contract for more than three years now. During that time, we have held 75 negotiating meetings, undertaken three independent processes in an attempt to broker a settlement, and since July we have made 73 concessions moving our position further towards yours.

During the negotiations, your team refused to countenance any compromise on the issue of Saturday pay, renegeing on the written commitment to discuss this signed at ACAS talks in November. We were always prepared to negotiate on this issue, and made a number of concessions moving from unsocial hours covering all day on Saturday, to extending these to 7pm on Saturday; then to 5pm; and finally offering that anyone working regular weekends would receive a premium rate for the entirety of Saturday. It was following your repeated refusal to discuss Saturday pay that Sir David Dalton regretfully concluded there was no realistic prospect of a negotiated settlement and so I approved the final contract based on the best and final offer he made, 90% of which was agreed in negotiations.

As you know, the new contract is based on equal pay for work of equal value and is not discriminatory. It will, as the equality analysis sets out, advance equality of opportunity and as part of the negotiation this included adopting your proposed pay structure.

Given your previous positions and our understanding of the outstanding issues, it is simply not credible to call for further contractual talks or offer to suspend industrial action whilst still refusing to discuss Saturday pay. If you had been willing to discuss this during the negotiation process with Sir David then we would have a negotiated outcome by now. Because you were not, we were left with no choice but to introduce a new contract which more than 500 doctors have already signed up to. It is not now possible to change or delay the introduction of this contract without creating unacceptable disruption for the NHS.



*From the Rt Hon Jeremy Hunt MP
Secretary of State for Health*

Department of Health

It is clear that the industrial action you plan will put patients in harm's way. The first step to averting this must be serious recognition of the offer that Sir David made, so that we can have talks about the many other areas where training and quality of life can be improved for junior doctors.

Once again, the industrial action that you and your committee plan greatly risks patient safety. You yourself acknowledged that fact when you asked emergency paediatrics to be exempted from a full walkout. You will have seen in recent days a number of very senior doctors, including the Chief Medical Officer, NHS England Medical Director and Lord Darzi, asking junior doctors to think very carefully about their position and whether to take industrial action. But we must be clear that anyone deciding – at your urging – to withdraw potentially lifesaving care for patients is making a choice to do so. Many will find this disproportionate given the matter still in dispute is Saturday pay rates.

JEREMY HUNT