Advice for doctors considering industrial action: frequently asked questions

1. What role does the GMC have in the contract negotiations?

The GMC is independent of both the UK Government and the medical profession. We have no role in the contract negotiations.

2. The medical royal colleges have no role in the negotiations but they have spoken out against the contract proposed by the UK Government. Given the strength of feeling on this issue, should you not make your views clear?

The medical royal colleges have a different role to that of the GMC. They are professional bodies and it is entirely appropriate for them to represent their relevant members. As the independent medical regulator we have no scope to get involved in contract negotiations or industrial action.

However, we do understand the strength of feeling on this issue and recognise the considerable pressure that doctors and employers are under to deliver the high quality NHS service that patients expect. It is important that negotiations are conducted in a way that does not impact on patient care. Doctors play a hugely important and positive role in society, and we hope that a solution is found that both the UK Government and junior doctors find acceptable.

3. What's the GMC's position on doctors taking industrial action including going on strike? What advice are you giving to doctors?

*Good Medical Practice* says that doctors must make the care of their patients their first concern. They should take reasonable steps to satisfy themselves that arrangements are in place to care for their patients and should not disrupt the arrangements employers have made. Doctors have a responsibility for continuity and coordination of care, and for the safe transfer of patients between different teams. Their actions must not harm patients or put them at risk.

Doctors also have a duty to raise concerns if they believe patient safety may be at risk, and we have a range of materials and tools to help them if they need to raise a concern.
4. Employers have responsibilities too. What are you saying to them?

We have reminded employers that our education standards set out mandatory requirements for all those who provide medical education and training. These standards require local education providers to support doctors in the learning environment, to give them appropriate clinical supervision, and to design rota that minimise the adverse effects of fatigue and workload. They also have a responsibility to ensure that any patient safety concerns are acted on immediately.

5. Does GMC guidance allow doctors to take industrial action, including going on strike?

It’s not for the GMC to condone or prohibit industrial action in principle. However, we expect all doctors to comply with the principles in our guidance Good Medical Practice and to apply these to their professional practice.

6. Would you take action against doctors who go on strike?

All doctors are personally accountable for their professional practice and must be prepared to justify their decisions and actions. We would not take action against a doctor for exercising their legal right to take industrial action. However, we would investigate information suggesting that a doctor’s actions during the taking of such industrial action had caused a patient serious harm, or put patients at risk of serious harm, whatever the motive underlying the doctor’s actions.

Read our guidance: Good Medical Practice (2013) - Professionalism in action

7. Which doctors would you hold accountable? Would it be acceptable for some doctors to take industrial action but not others?

It is not for us to say whether it is acceptable for any doctor to take industrial action. We would consider an individual doctor’s actions against our guidance, taking into account the specific circumstances.

8. Are there other forms of protest which a doctor can make without being in breach of their obligations?

We are not able to advise doctors on different ways of protesting. However, any action a doctor chooses to take must comply with their professional obligations. Our guidance is clear that a doctor’s first concern must be the care of their patient.

www.gmc-uk.org
Doctors should take reasonable steps to satisfy themselves that arrangements are in place to care for their patients and should not disrupt the arrangements employers have made. Doctors have a responsibility for continuity and coordination of care, and for the safe transfer of patients between different teams. Their actions must not harm patients or put them at risk.

We recognise that the circumstances facing each doctor will be different and it will therefore be a matter for each individual to assess their own situation and make sure this guidance is followed.

9. What are the implications for a doctor who expresses views on social media about protesting and strike action?

The standards expected of doctors do not change because they are communicating through social media. Doctors are expected to follow GMC’s guidance and well as any policies from their own organisation on social media.

Read our guidance: Doctors’ use of social media (2013)

10. Concerns have been raised that the proposed contract will compromise patient safety. What should doctors do if they feel their contractual requirement oblige them to compromise patient safety?

All doctors registered with the GMC have a duty to speak up when a patient’s safety is compromised through working conditions or the environment in which they work. Doctors are able to raise concerns anonymously if they feel anxious about the impact it may have on them.

Read our guidance: Raising and acting on concerns about patient safety (2012)