

Date21st April 2023**For the attention of**Secretary of State for Health &
Social Care

Dear Secretary of State

Proposed Industrial Action by RCN

I write to seek your assistance and support in relation to the industrial action announced by the RCN for the period of 30th April to 2nd May 2023.

NHS organisations are very respectful of the role of trade unions in the NHS, and they support constructive partnership with trade unions, on behalf of their members. At the same time, the NHS is also clear that we have responsibilities to our staff in terms of the legality of any actions they are taking in connection to their union membership, and most importantly to our patients for their safety and care. NHS Employers has since 19th April been making the RCN aware of their very real concern that the RCN is incorrectly applying the strike mandates it received following ballots which closed at midday on 2nd November 2022. NHS Employers has invited the RCN to amend its plans for strike action because of these concerns. The RCN has declined to do so, and copies of the correspondence have been shared with your officials.

The advice that we have received makes clear it is highly likely that if the notices for industrial actions are incorrect in one respect, then they are incorrect in total and that the strike action for the entire period of 30th April to 2nd May is illegal.

I write to ask you to now intervene in this matter on behalf of relevant NHS organisations in England to seek the view of the courts as to whether the strike action planned for 30th April to 2nd May 2023 is legal. I believe that conclusively establishing this position is in the interests of our staff and patients.

Your sincerely



Daniel Mortimer
Chief Executive, NHS Employers