Heidi Alexander (Lewisham East) (Lab) (Urgent Question): To ask the Secretary of State for Health if he will make a statement on the imposition of a new junior doctors contract.

The Secretary of State for Health (Mr Jeremy Hunt): This House has been updated regularly on all developments relating to the junior doctors contract, and there has been no change whatsoever in the Government’s position since my statement to the House in February. I refer Members to my statement in Hansard on 11 February, and to answers to parliamentary questions from my ministerial colleagues on 3 March, which set out the position clearly. Nevertheless, I am happy to reiterate those statements to the hon. Lady.

The Government have been concerned for some time about higher mortality rates at weekends in our hospitals, which is one reason why we pledged a seven-day NHS in our manifesto. We have been discussing how to achieve that through contract reform with the British Medical Association for more than three years without success. In January, I asked Sir David Dalton, the highly respected chief executive of Salford Royal, to lead the negotiating team for the Government as a final attempt to resolve outstanding issues. He had some success, with agreement reached in 90% of areas.

However, despite having agreed in writing in November to negotiate on Saturday pay, and despite many concessions from the Government on this issue, the BMA went back on that agreement to negotiate, leading Sir David to conclude that

“there was no realistic prospect of a negotiated outcome.”

He therefore asked me to end the uncertainty for the service by proceeding with the introduction of a new contract without further delay. That is what I agreed to, and what we will be doing. It will start with those in foundation year 1 from this August, and proceed with a phased implementation for other trainees as their current contracts expire through rotation to other NHS organisations.

Let me be very clear: it has never been the Government’s plan to insist on changes to existing contracts. The plan was only to offer new contracts as people changed employer and progressed through training. This is something that the Secretary of State, with NHS organisations as employers, is entitled to do according even to the BMA's own legal advice. NHS foundation trusts are technically able to determine pay and conditions for the staff they employ, but the reality within the NHS is that we have a strong tradition of collective bargaining, so in practice trusts opt to use national contracts. Health Education England has made it clear that a single national approach is essential to safeguard the delivery of medical training and that implementation of the national contract will be a key criterion in deciding its financial investment in training posts. As the Secretary of State is entitled to do, I have approved the terms of the national contract.

The Government have a mandate from the electorate to introduce a seven-day NHS, and there will be no retreat from reforms that save lives and improve patient care. Modern contracts for trainee doctors are an essential part of that programme, and it is a matter of great regret that obstructive behaviour from the BMA has made it impossible to achieve that through a negotiated outcome.
Heidi Alexander: Just when we thought this whole sorry saga could not get any worse, it now appears that Government policy is in complete disarray. Despite the Health Secretary giving us all the impression back in February that he was going to railroad through a new contract, it now appears that he is simply making a suggestion—or, as his lawyers would say, approving the terms of a model contract. Last night, the Health Secretary took to Twitter to claim that this was not a change of approach, and we have heard the same again today, so, on behalf of patients, I have to ask him: what on earth is going on?

We need a straightforward answer to a simple question: is the Health Secretary imposing a new contract—yes or no? If he is not, but merely suggesting a template, why did he not make it clearer beforehand, and why, in his oral statement on 11 February, did he lead Parliament, the media, the public and, crucially, 50,000 junior doctors to believe that he was announcing imposition? The junior doctors committee took the unprecedented step of escalating its industrial action on the back of his decision to force through a contract. How can he possibly justify a situation whereby his rhetoric, underpinned by nothing but misplaced bravado and bullishness, could lead to the first ever all-out strike of junior doctors in the history of the NHS? He must get back to the negotiating table, and quickly.

We also need answers to the following questions. Do all NHS employers have free rein to amend the terms of the Health Secretary’s so-called model contract? Does this include non-foundation trusts? Is it legal for Health Education England effectively to blackmail trusts on the part of the Health Secretary by withholding funding, if that is what Government policy now is? Finally, it seems there are two basic scenarios: either he has known all along that he does not have the power to impose a new contract, and so all this is part of a cynical attempt to take on a trade union, or he was oblivious to the fact that he did not have the power, in which case, what is going on in his Department? This is no way to run the NHS. Today’s revelations call into question the motives, judgment and competence of the Health Secretary, and the House, doctors and patients deserve some answers.

Mr Hunt: That is a truly desperate attempt to divert attention from the single biggest question that people in this House want answered: does the Labour party support or not support a strike that will see the care of thousands of people up and down the country suffer?

Let me answer the hon. Lady’s question very directly. Yes, we are imposing a new contract, and we are doing it with the greatest of regret, because over three years—with three independent processes, 75 meetings and 73 concessions that we made in a huge effort to try to come to a negotiated settlement—the BMA refused to talk. With respect, I think Sir David Dalton, the trusted chief executive of Salford Royal, understands these things better than the hon. Lady has shown she does today. After working very hard, he concluded that a negotiated settlement was not possible. That is why I announced on 11 February that I would introduce a new contract.

As for foundation trusts, if the hon. Lady had listened to my statement she would know that it is true that foundation trusts have the freedom to introduce new contracts on pay and conditions. They can choose to exercise that freedom, but none of them has done so. She asked about non-foundation trusts. They do not have that freedom, and that is why we will be introducing a new contract for everyone.

Let me say this to the hon. Lady. There has been a lot of talk about this, but none of it as specious as the story that she planted in The Guardian this morning about the Government changing their position, which was absolute nonsense. We have not changed our position.
The fact of the matter is that the Government have bent over backwards to avoid this strike. Right now, the people refusing to talk, whether it be on rota design with hospital managers or training reform with the academy, are not the Government but the BMA. Had it negotiated on Saturday pay, as it said it would, we would have had an agreement by now. Instead, we have a strike—the first ever withdrawal of emergency care in NHS history. [Interruption.]

Mr Speaker: Order. Opposition Members should calm themselves. The Secretary of State is responding, and everybody will be heard.

Mr Hunt: Rather than try to fabricate some story about the Government changing their position, which the hon. Lady knows perfectly well they are not, she might think about the words that do need to be said in this Chamber this week—about whether or not it is appropriate for the BMA to be telling people to deny life-saving care to patients.

Some people in the NHS have shown great courage in speaking out, even against their own profession: Professor Sir Bruce Keogh, the NHS England medical director, Lord Darzi, the former Labour Minister, and Dame Sally Davies, the chief medical officer. But there is one person on the public stage who has not had the courage to condemn those emergency strikes, and that is the shadow Health Secretary. I hope that, for the sake of her constituents and the reputation of the Labour party, she will say at the earliest opportunity that withdrawing emergency care in pursuance of a pay dispute is wrong, disproportionate and inappropriate, and that the right thing to do now is to show courage to reform these contracts for the benefit of patients and a seven-day NHS.

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You can read the full exchange following my Urgent Question on Hansard here:

https://hansard.parliament.uk/commons/2016-04-18/debates/1604186000002/JuniorDoctorsContracts