



BMA launches judicial review against contract imposition

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The BMA has launched a judicial review challenging the lawfulness of the health secretary's decision to impose a new contract on junior doctors in England.

The move came after NHS Employers published the new contract, which sets out terms and conditions for junior doctors.¹ At the same time, the Department of Health published an equality analysis of the contract.²

After a breakdown of negotiations with the BMA the health secretary, Jeremy Hunt, announced in February that the government would impose a new contract on junior doctors from August this year.³ Johann Malawana, chair of the BMA's Junior Doctors Committee, said that the decision to press ahead with the contract imposition was "a sign of total failure on the government's part."

"Instead of meaningfully negotiating with the BMA to reach an agreement that would be in the best interest of patients, junior doctors, and the NHS, the government walked away, rejecting a fair and affordable offer by the BMA," said Malawana. "It has since continued wilfully ignoring the mounting chorus of concern from doctors, patients, and senior NHS managers—the very people who use and provide NHS services."

He said that the government had failed to give proper consideration to the equality impact the contract could have on

junior doctors. "So today, the BMA has issued proceedings to launch a judicial review challenging the lawfulness of the health secretary's decision to impose the new junior doctor contract," he said.

In its equality analysis of the contract the Department of Health said that the new contract was "fair and justified" and "good for both staff and patients."

The department said, "Insofar as the new contract has an indirect adverse effect on people with protected characteristics we consider that the new contract is a proportionate means of achieving a legitimate aim, or aims."

"We envisage that as doctors' awareness of the reality of the content of the new contract increases, and as doctors gain direct experience of its operation, its popularity will increase."

- 1 NHS Employers. Junior doctors terms and conditions of service. 31 Mar 2016. www.nhsemployers.org/case-studies-and-resources/2016/03/junior-doctors-terms-and-conditions-of-service.
- 2 Department of Health. Equality analysis on the new contract for doctors and dentists in training in the NHS. Mar 2016. www.gov.uk/government/uploads/system/uploads/attachment_data/file/512696/jd-eia.pdf.
- 3 Rimmer A. Junior contract will be imposed, Jeremy Hunt announces. 11 Feb 2016. http://careers.bmj.com/careers/advice/Junior_contract_will_be_imposed%2C_Jeremy_Hunt_announces.

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