

## Injunction means nurses' strike will be cut short

28 April 2023

Last week we brought you [news](#) that there would be further strike action by nurses after RCN members voted to reject the government pay deal. The strike was due to start at 20:00 BST on Sunday and was going to last until 20:00 on Tuesday. For the first time the action would not involve exemptions meaning that no cover will be provided for some critical care services including emergency departments, intensive care and cancer care.

However, earlier this week NHS Employers wrote to the Secretary of State for Health and Social Care, Steve Barclay, and expressed concern about the legality of the action as the existing mandate expired before the proposed end of the strike. This led to Mr Barclay applying for an injunction at the High Court, arguing that any action on 2 May would be unlawful.

The High Court have agreed and ruled that the RCN's six-month mandate for strike action would have lapsed by Tuesday as the ballot closed at midday on 2 November 2022. This means that the strike will now be cut short by a day and will end on 1 May. The judge has also ordered the RCN to pay the costs of the hearing, referring to the outcome being "inevitable" and the Union showing "a high degree of unreasonableness" in pursuing the action.

This will not completely take the pressure off services as two days of action are still set to go ahead. Further, if contingency plans have already been put in place some services may have already been impacted.

Elsewhere, members of the Royal College of Midwives have voted in favour of accepting the pay deal and employers will no doubt be hoping that other AfC Unions who are still voting on the deal follow suit. However, with the RCN confirming they will ballot for further action, this dispute may still be far from over.

### Key contact



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