


# Resident doctors vote to strike: Key legal considerations for the NHS

16 July 2025  Laura Duke

On 8 July 2025, the British Medical Association (BMA) announced that over 90% of resident doctors (previously known as junior doctors) in England had voted in favour of strike action, with a turnout of 55%. The result gives the BMA a six-month legal mandate to call strikes, with a five-day walkout already scheduled from 25-30 July 2025.

The strike is in response to a long-running pay dispute; resident doctors contend that despite recent pay uplifts – 22% over two years and a 5.4% increase for 2025/2026 – pay is still around 20% lower in real terms than in 2008.

For the NHS, this development presents immediate operational challenges. Below we consider some practical steps Trusts may wish to consider to effectively plan for the potential walkouts.

## Managing disruption and contingency planning

- **Activate contingency plans:** Begin or update emergency staffing rotas, including consideration of redeployment of non-striking staff, use of locums, or cross-cover arrangements. Be mindful of Working Time Regulations 1998 when deploying staff for extended hours.
- **Documentation and record-keeping:** Keep precise records of who strikes and when. This may have implications for pay deductions and pension contributions.

## Agency staff

- When making contingency plans, be mindful of the implications of regulation 7 of the Conduct of Employment Agencies and Employment Business Regulations 2003.
- Under these regulations, agencies are prohibited from supplying temporary workers to cover for those taking part in official industrial action.
- Therefore, it is important to remember that agency staff should only be utilised to cover for employees on annual leave or those absent due to illness, and not for covering those who are participating in strike action. Alternatively, employers can directly engage temporary staff to cover for striking employees (i.e. not through an agency).

## Industrial relations and communication

Pay decisions ultimately rest with the government, but NHS Trusts can still maintain constructive dialogue with striking staff and union representatives:

- **Keep communication lines open** with union representatives. Whilst individual NHS Trusts are not in a position to offer new pay deals, joint problem-solving (e.g., safe staffing during strikes) may improve and/or stabilise working relationships.
- **Avoid inflammatory language** in internal communications and remain neutral, fact-based, and consistent in messaging.
- **Train line managers** on handling queries, absences, and potential picket lines with a calm, lawful approach.

## Looking forward and final thoughts

This ballot signals ongoing workforce discontent despite recent pay awards. Further strike action is likely if talks remain stalled.

Whilst the strike vote reflects a breakdown in national-level negotiations, NHS Trusts must now act decisively to manage the practical consequences. The legal framework governing industrial action is well-defined, but effective response requires careful planning, consistent communication, and lawful execution. By balancing legal compliance with a sensitive approach, NHS Trusts can reduce disruption whilst preserving long-term workforce relationships.

If you would like regarding legal advice on managing strike action or related staff issues, please get in touch with our [healthcare employment team](#).

## Contact



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