

Medical Pay Issues during Industrial Action – Escalation and Governance

1. Background

- 1.1 In late 2024 MSG gave consideration to its role in the event that pay issues arise in the context of industrial action - in particular escalation of, and governance around, such issues. Following discussion with Medical Directors, HRDs and SEND representatives on MSG, MSG signed off the following guidance on 26th November 2024.

2. Guidance

- 2.1 In the event that a service area within a Board feels that, in order to maintain safe services to patients, it will be necessary to move beyond the nationally agreed terms and conditions, extant local agreements, or the MSG bank rates the following process must be followed:
 - a) The proposed move must be discussed with the Board Medical Director and Director of Human Resources/Workforce
 - b) In the event that the Board Medical Director/Director of Human Resources/Workforce are in agreement that it will be necessary to move beyond the nationally agreed terms and conditions, extant local agreements, or the MSG bank rates they must refer this proposal to MSG for advice to be provided. In relation to MSG, a panel composed of the MSG Chair, Secretary and Medical Pay and TCS Lead, along with appropriate MSG service representatives, will consider the matter and provide advice within 24 hours.
 - c) Where appropriate, the MSG advice will be provided to the relevant Board Chief Executive for their consideration and decision.
 - d) Where appropriate, the matter will be referred to the Scottish Government's Workforce Directorate on the basis that therein is vested ultimate responsibility for pay within NHS Scotland.

3. In the event that Boards have any queries in relation to this guidance, please contact Colin McGowan at Colin.McGowan@nhs.scot

Colin McGowan
Medical Pay and TCS Lead
MSG