

## Response from Barking Havering and Redbridge Hospitals Trust

02 July 2009

The above document has been discussed with the Execs who have the following comments to make

1. In respect of para. 7a, I agree that Trusts should not be able to restrict directly our consultants providing fee paying or private professional services for other NHS funded service providers. This proposal seems OK to me as long as we have an option to get 12 PAs out of our consultant medical staff, before they start doing work for any other provider.
2. Para 7b is probably both unenforceable (because so much would fall under the meaning of indirect restriction) and if enforced likely to lead to unfairness and injustice – the implication seems that it will be a sanctionable offence for Trusts to be honest with their senior employees about the consequences of their working elsewhere outside their contracted hours, which is unfair.
3. Para 7c is sensible – I think they identify those areas of work which, if performed by one of our consultants for another NHS funded provider, constitute a real conflict of interest. I would also want to include among exceptions to the prohibition where a consultant leads or has a significant R&D, or development “spin-out”, role at a competing NHS funded provider. I suggest this as BHR intellectual property could be put at risk.

The CCP should be mindful in general of intellectual property rights than it has been. The major employing NHS Trust does need to protect these, as much as its privileged business, financial and planning information

Hope the above helps

Kind regards

Ruth McAll

Barking Havering and Redbridge Hospitals Trust