



Hospital Consultants & Specialists Association

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NHS CONSULTANTS NON-CONTRACTED HOURS

NOTICE OF POSSIBLE RECOMMENDATIONS

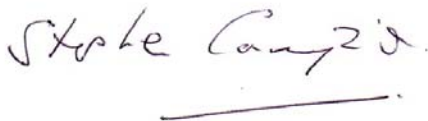
The Hospital Consultants and Specialists Association is pleased to offer comment on the possible recommendations that the CCP might make in light of its consultation exercise, on which we have made two formal submissions.

Our views on the published notice of possible recommendations are that:-

1. We entirely agree that a guidance note should be published. The inconsistent policies and contract interpretations currently being applied serve only to reinforce the need for all stakeholders to be guided by clear principles in relation to NHS Consultants working outside contracted hours. What those principles might be depends on the outcome of the consultation exercise. They cannot be endorsed, or indeed rejected, until we know what they are; but the need for clarity and consistency is considered essential.
2. In relation to the principles outlined in Paragraph 7 of the notice of possible recommendations the HCSA endorses the views expressed in Paragraphs 7 (a) (b) and (c). We believe that Trusts should be prohibited from taking any action to restrict directly, or indirectly, Consultants from providing any fee paying services or private professional services to other NHS funded or non-NHS funded providers, for the reasons we have previously submitted to the CCP.
3. In relation to the exceptions proposed in Paragraph 7 (c) (i) (ii) and (iii), we acknowledge that Consultants should not engage in strategic management roles with other providers of NHS services which compete with their employing Trust as defined in these sub-sections. We do however make the point that, although not within the remit of the CCP's terms of reference, these exceptions should apply equally to all NHS staff.

4. We are not persuaded that changes to Consultants' contracts of employments are required or justified as considered in Option 2. It may be that the "guidance note" is used to remind Consultants of the duty of fidelity due to the employer but we see no advantage or necessity in a central re-negotiation of employment contracts. Should, however, the NHS be minded to do so, we would expect to be fully engaged and involved in that process.

We hope these comment are helpful.

A handwritten signature in cursive script that reads "Stephen Champion". The signature is written in dark ink and is positioned above a horizontal line that serves as a separator between the signature and the typed name below.

Stephen Champion
Chief Executive
Hospital Consultants and Specialists Association

July 2009