

10 July 2009

Mr. Andrew Taylor,  
Chief Executive  
NHS Panel for Cooperation and Competition  
1 Horse Guards Road  
London  
SW1A 2HQ

Dear Andrew

### **Non-Contracted Hours**

I understand that the NHS Partners Network has responded to you on behalf of those independent sector providers providing services to the NHS. That response remains the primary perspective of the independent sector on the issues raised and focuses directly on the situation of consultants whose activities within an IS setting might be such as to 'compete' with the activities of their employing NHS trusts.

My purpose in writing is to address a different point, but one which is nevertheless important and which, if not addressed now, may become caught up as an unintended consequence of a ruling by the CCP.

As background, every independent hospital is required by law (National Minimum Standards) to have a Medical Advisory Committee. These are typically made up of a mix of local surgeons, anaesthetists, physicians and other clinicians. Such Committees ('MAC.s') exist to provide advice to hospital management and scrutiny of clinical and related activity within the hospital.

Separately, it is government policy to create choice of hospital for NHS patients. In furtherance of this objective, many (probably most) independent hospitals are now able to receive direct referrals from NHS general practitioners of NHS patients opting to be treated in an independent hospital as part of their NHS treatment.

One of the possible remedies you identified in the case of consultants non-contracted hours was a ban on consultants involvement in the clinical management of 'competing' hospitals. I am concerned that the role of local (NHS employed) doctors is not so constrained as to make local Medical Advisory Committees unworkable, or unrepresentative of the local medical community. May I therefore ask that any recommendations you do issue take full account of the statutory role of MACs, and ensure that they are specifically carved out of any 'management' restriction which may be applied.

With kind regards

Sally Taber

Sally Taber  
Director, IHAS