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Dear Mr Taylor

Restrictions on NHS consultants working non-contracted hours for other providers of NHS funded services

I am writing in response to your letter requesting information and submissions in respect of your study into the above. I confirm that I am content for the views expressed in this letter to be published on your website and attributed to King's College Hospital NHS FT (King's).

The nature and form of any restrictions

This trust does not place any restrictions on consultants' non-contracted working hours but does require, in line with the Consultant Contract, a declaration of work undertaken elsewhere. We have the following clause in all consultant contracts of employment:

"You must declare to the Trust any financial or business interest or relationship you may have or anticipate which may affect the Trust's policies, decisions, business or general interests and also comply with the requirements of the Trust's procedures in respect of Gifts, Hospitality or other Favours."

The effect on other service providers

No comment.

Number and availability of consultants

Currently there are 375 consultants (352 full time equivalents or FTE) and 145 honorary consultants (67 FTE) who work at King's. Please see the table attached to

this letter for a more detailed breakdown of specialities. At the current time we are not able to provide you with future numbers nor can we comment on the impact on independent sector service providers.

We are not quite sure what you mean by "availability" and would appreciate clarification on this particular matter.

Conflicts of interest

Whilst we have seen the declarations referred to above, beyond this the Trust does not actively identify or attempt to explore potential conflicts of interest. It is possible that there may be a number of such conflicts that we are not aware of. We can cite however, one example which did become apparent.

In this particular instance, King's was in discussion with another NHS trust for the provision of a service to that trust. A consultant employed by King's made a successful competing offer to supply the service privately undercutting the proposal made by King's. The work was to be done in his own time i.e. out with his contracted hours and also during his annual leave.

Patient care considerations

Although the EWTD restricts the hours that consultants may work, the majority are nevertheless happy to sign an opt-out. The main issue is that, regardless of whether additional hours are worked for other healthcare service providers or within private practice, consultants should be able to perform at their best and not increase risk to patients by excessive additional commitments. It is therefore important that employers have in place adequate arrangements for identifying those consultants who may be 'overstretched' through comprehensive job plans that set out **all** commitments, alongside annual performance/job plan reviews that allow clinical directors to discuss this with individual consultants as necessary.

I hope that you find this in put of value. Please contact me if you have any further questions.

Yours sincerely