

Response from NHS London

10 July 2009

NHS London does not directly employ consultants in clinical practice, but has responsibilities in assuring the London medical workforce is able to discharge its duties safely and effectively. Consultants are bound by the European Working Time Directive, unless they exercise the right to opt out. They will also be subject to more stringent appraisal during the course of revalidation.

Terms and conditions of consultant practice are clearly laid out in the 2003 NHS Consultants contract, and outline the circumstances under which NHS consultants may undertake private professional practice.

There is a requirement that such practice is declared. The importance of this lies in the main employing Trust being assured that additional non-contracted hours worked are not excessive and therefore not likely to impact upon the ability of the consultant to undertake his or her main responsibilities under health and safety legislation.

In relation to the options proposed, Trusts should in normal circumstances be prohibited from directly or indirectly restricting consultants from undertaking private professional practice, but if conditions arise where patient safety and quality of patient care is compromised by what might be considered to be excessive working in non-contracted hours, the Trust should retain the right to take appropriate action.

Kind regards,

Dr Andy Mitchell

Medical Director