



**South West**

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Our ref: MC

26 June 2009

Mr A Taylor  
Director  
Cooperation and Competition Panel for  
NHS-funded services  
1 Horse Guards Road  
London  
SW1A 2HQ

Dear Andrew

### **Non-contracted hours of NHS consultants**

Thank you for posting two discussion papers on the website of the Cooperation and Competition Panel about the study of non-contracted hours of NHS consultants.

The response from the South West Strategic Health Authority to the study was submitted on 30 April 2009. I am writing to highlight a number of points from our response which relate to the two discussion papers. In particular, our response supports the need for:

- greater clarity in the NHS consultant contract about whether the provision of NHS-funded services in non-contracted hours constitutes Private Professional Services or Fee Paying Services (paragraphs 19 – 27 of discussion paper 1);
- guidelines about the potential conflict of interest when the role of a consultant in an alternative service provider involves managerial or strategic advice for third parties (paragraph 37 of discussion paper 1);
- guidelines about the potential conflict of interest when the role of a consultant in an alternative service provider involves advice on tendering for NHS contracts and as a shareholder or financial investor in an alternative health care service provider (paragraph 20 of discussion paper 2);
- a clear distinction between the involvement of consultants in clinical services and clinical management in alternative service providers and their involvement in business and strategic management or as financial investors (paragraph 52 of discussion paper 2) and their involvement as advisers on bids for NHS contracts by alternative service providers (paragraph 64 of discussion paper 2).

Please let me know if you need any further clarification of these points.

Yours sincerely

Murray Cochrane  
Associate Director of Strategic Service Change

Copy: John Bewick, Director of Strategic Development

Chair: Sir Michael Pitt

Chief Executive: Sir Ian Carruthers OBE