



15 February 2010

## **CCP's recommendations on use of consultants' non-contracted hours send a 'clear and important signal to the service' says Department of Health and Monitor**

The Department of Health and Monitor have welcomed the findings of the Cooperation and Competition Panel's (CCP) study of restrictions on consultants' use of their non-contracted hours and has recommended all NHS consultants and employers take account of the report's conclusions.

In September 2009, the CCP published its report advising that restrictions on consultants' ability to work for other providers of NHS-funded services in their non-contracted hours would reduce patient choice, limit innovation and undermine investment at a time when the NHS was striving to deliver high quality care in more patient-centred and cost-effective ways.

At the conclusion of its study the CCP study recommended that there are only two very limited situations in which patients and taxpayers might benefit overall from a restriction placed on consultants:

- to address legitimate patient safety concerns arising from the specific performance of a consultant;
- to prevent a consultant from holding a strategic management position in more than one organisation providing NHS-funded care, or working on competing bids.

The CCP stresses that any other restriction, explicit or implicit, imposed by a hospital on a consultant's ability to work for other providers of NHS care is likely to be in breach of the Principles and Rules for Cooperation and Competition.

In welcoming the report's conclusions the Department of Health and Monitor commented, "The Cooperation and Competition Panel carried out a thorough and in-depth investigation, which provided the NHS with much needed clarity in this area. Their recommendations send a clear and important signal to the service."

CCP Director, Andrew Taylor commented:

"It is clear from the evidence that preventing consultants from working with a wider range of NHS providers hampers efforts to deliver NHS care in new and improved ways. By breaking down these traditional barriers we can expect to see patients and communities benefit from better access to NHS care, the development of new NHS services and competition driving real improvements in quality."

**ENDS**

**Notes to Editors:**

1. The Cooperation and Competition Panel's (CCP) report and further information on the CCP's work on the CCP's website at [www.ccp-panel.org.uk](http://www.ccp-panel.org.uk)
2. The Department of Health and Monitor's response to the CCP's recommendations can be found here: [http://www.dh.gov.uk/en/Managingyourorganisation/Commissioning/Systemmanagement/DH\\_112317](http://www.dh.gov.uk/en/Managingyourorganisation/Commissioning/Systemmanagement/DH_112317)
3. The Department of Health and Monitor asked the CCP to carry out a study of restrictions that might prevent NHS consultants from working for other healthcare providers of NHS-funded services, in addition to their main NHS employer. The request was founded on concerns that such restrictions could act to prevent providers of NHS funded-care from offering new services. In the event that such restrictions were found to be problematic, the CCP was asked to make recommendations to assist NHS organisations in addressing the challenges posed by consultants working for multiple providers of NHS-funded services, including both NHS and independent sector organisations.
4. The CCP commenced the study on 14 April 2009 with a call for submissions from interested individuals and organisations. On 8 June 2009 the CCP published two discussion papers as an interim step towards its final report. These discussion papers provided a preliminary analysis of the nature and effect of various restrictions. On 19 June 2009 the CCP published a notice of possible recommendations to elicit comments and suggestions in the event that the CCP decided to recommend that measures should be taken to address the restrictions being placed on consultants' use of their non-contracted hours. The final report published on 24 September 2009 concluded the analysis and provided the CCP's recommendations to the Department and Monitor.
5. For inquiries about the CCP contact Tom Frusher, Policy and Communications Director, on 0207 270 5442/07825 256 530 or visit [www.ccp-panel.org.uk](http://www.ccp-panel.org.uk)