

**EMBARGOED UNTIL 00.01AM THURSDAY 24<sup>TH</sup> SEPTEMBER**

## **CCP REPORTS ON RESTRICTIONS ON CONSULTANTS' USE OF THEIR NON-CONTRACTED HOURS**

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

The CCP's report recommends 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's findings make clear 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 of Cooperation and Competition.

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. The experience and specialist expertise of NHS consultants must be readily available to NHS patients in a range of settings - in local and community-based services, in treatment centres, in integrated care organisations and so on – not just in one hospital alone.

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."

On the matter of patient safety, Mr Taylor commented:

"Doctors and organisations delivering NHS care are committed to the provision of high-quality care that is safe. The CCP believes that restrictions on the use of a consultant's non-contracted hours based on concerns for patient safety will be necessary only in very exceptional cases and that any such restrictions will be part of a broader package of measures to address these rare concerns."

The CCP has submitted the report of its study to its Sponsors, the Department of Health and Monitor, who are now responsible for considering the recommendations and what action to take.

**ENDS**

## Notes to Editors:

1. The Cooperation and Competition Panel's (CCP) report is available on the CCP's website at [www.ccp-panel.org.uk](http://www.ccp-panel.org.uk)
2. The CCP was formally established following a Written Ministerial Statement in the House of Commons from the Minister of State for Health Services on 29 January 2009. It advises on the application of the Principles and Rules of Co-operation and Competition, and makes independent recommendations to Strategic Health Authorities, the Department of Health and, in relation to NHS Foundation Trusts, Monitor on how such breaches should be resolved. The Panel is chaired by Lord Carter of Coles and its membership comprises Guy Beringer QC, Laura Carstensen, Professor Dame Janet Husband, Professor Peter Smith, John Swift QC and John Wotton.
3. The Department of Health and Monitor asked the CCP to carry out a study of restrictions that currently 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 today concludes the analysis and provides the CCP's recommendations to the Department and Monitor.
5. For inquiries about the Co-operation and Competition Panel contact Tom Frusher, Policy and Communications Director, on 0207 270 5442 or visit [www.ccp-panel.org.uk](http://www.ccp-panel.org.uk).