



Department of Health

10/08/2015

DE00000949569

Dear Dr Lewis,

Thank you for your request of 22nd July 2015 under the Freedom of Information Act (2000). Your exact request was:

“How many hospital consultants have exercised their right to opt out of routine weekend working using the current consultant contract?”

The Department of Health does not hold the information you have requested.

Individual NHS Trusts will hold information on consultant working patterns. However, this information would not reveal how many individuals have relied on the clause in their contract to refuse to participate in weekend work as part of their contract.

This is because many of those who do rely on the clause still, nevertheless, do work during the weekends. The practical effect is that they can negotiate higher rates of pay for that work, rather than doing it for the rates payable under the national contract terms on which they are employed.

In its 2013 report *“Managing NHS hospital consultants”* the National Audit Office (NAO) stated that “most trusts continue to use locally agreed rates of pay for additional work outside that agreed in job plans, as allowed for under the contract, for example to help reduce waiting times. This is likely to be linked to the fact that the contract allows consultants to refuse to work outside 7am to 7pm Monday to Friday.”

The NAO reported that 91% of Trusts who responded to its survey paid for additional work using locally agreed rates; and, on average, 71% of extra work was secured using these rates, costing up to £200 per hour. Full details of the NAO’s report and survey findings can be found at <http://www.nao.org.uk/report/managing-nhs-hospital-consultants/>

A report published in July 2015 by the Review Body on Doctors’ and Dentists’ Remuneration, which provides independent advice to the government, observed that the clause is *“not an appropriate provision in an NHS which seeks to continue to improve patient care with genuinely seven day services, and on that basis we endorse the case for its removal from the contract”*. The review body made this observation after considering evidence from a number

of organisations, including from the Academy of Medical Royal Colleges and the British Medical Association. A link to the report is here:

<https://www.gov.uk/government/organisations/review-body-on-doctors-and-dentists-remuneration>

Should you wish to contact NHS hospitals in England directly, their details are available on the NHS Choices website at:

<http://www.nhs.uk/ServiceDirectories/Pages/AcuteTrustListing.aspx>

If you have any queries about this email, please contact me. Please remember to quote the reference number above in any future communications.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to:

Head of the Freedom of Information Team
Department of Health
Room G18
Richmond House
79 Whitehall,
London
SW1A 2NS

Email: freedomofinformation@dh.gsi.gov.uk

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner (ICO) for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by the Department. The ICO can be contacted at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

Anna Coundley

Freedom of Information Officer
Department of Health
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