



Public-only Consultant Contract 2023

Summary of external work application procedure for consultants

Consultants may engage in clinical or non-clinical employment or gainful occupation (including self-employment) subject to meeting their obligations to:

- (a) comply with meet their public work schedule commitment and
- (b) ensure that performance of their public duties is not adversely affected by any external work.

A consultant who is (or will be) engaged in external work will, on request, provide the employer with full and complete information about any external work in which they intend to be engaged /and any confirmation reasonably required by the employer in respect of external work.

Procedure to be followed

A consultant will complete an application form to engage in external work. This application is submitted to the Clinical Director / Executive Clinical Director / line manager (hereafter “Clinical Director”) with a copy of the consultant’s current and proposed work plan. Requests will be decided on in a timely and efficient manner (normally within 1 month) by the Clinical Director. The Clinical Director may:

- approve,
- approve with restrictions or
- refuse

the application, with refusal being a last resort.

Ideally consideration of an application will be facilitated in line with discussions regarding the consultant’s work-plan.

Applications and decisions on same may be made either prior to taking up the *Public-Only Consultant Contract 2023* or at any time after the employee takes up the contract. Any decision to grant permission, or grant permission with restrictions, is conditional on the consultant signing a *Public-Only Consultant Contract 2023*.

Approval for external work

Approval will only be granted by the Clinical Director in writing where external work will:

1. be consistent with the discharge of the consultant’s duty as an employee of the employer, including obligations relating to on-call working arrangements and work scheduling;
2. be consistent with the statutory and regulatory obligations of the employer and the consultant and with the professional standards for the time being applicable to the consultant;

3. not adversely impact on the health and safety (including in respect of quality of medical care) of patients or service users who are likely to receive care from the consultant;
4. not impact on the safety, health and welfare of other persons (including the consultant) who are employed by (or otherwise working on behalf of) the employer.

Unless expressly permitted by the Clinical Director, the consultant may not:

- engage in any private medical practice at any location operated by the employer; or
- refer any patient or service user to whom the consultant is providing care within the public health service to any private medical practice in or with which the consultant has any interest or commercial relationship or provide medical care to any such patient or service user in any such medical practice.

Approval with restrictions or refusal of applications for external work

Where the Clinical Director decides to grant permission subject to restrictions or refuse an application for external work, the Clinical Director will provide the consultant with written reasons (in section 2 of the external work application form) for any such decision.

The potential reasons why an employer may refuse or restrict external work are:

1. conflict with the consultant's public only work plan, which is the document that sets out the consultant's work schedule;
2. the protection of patient health and safety;
3. safeguarding productive and safe working conditions;
4. the protection of the integrity of the public health service and the administration of vital public health service functions;
5. the avoidance of conflicts of interest;
6. compliance by the employer and/or the consultant with any applicable statutory or regulatory obligations;
7. compliance by the consultant with any professional standards for the time being in force in respect of the consultant;
8. implementing and achieving the State's public healthcare objectives.

Restrictions may be applied to:

1. the amount of external work to be carried out;
2. the type of external work that can be carried out;
3. the location of such external work; and/or
4. the hours during which such external work is carried out.

Review of decision on external work

Any decision on external work can be reviewed by the Clinical Director in the event that either the Clinical Director or the consultant identifies a need for the matter to be reviewed or where a change in circumstances requires such a review.

Following any such review a new decision (to grant or refuse permission or to impose, modify or renew restrictions) will be made by the Clinical Director. If, after such review, the consultant is still not satisfied with the Clinical Director's decision, that decision may be appealed to an independent appeals committee established for the purpose of considering such decisions.

External work that does not require application to the employer

The following activities do not require an application under this procedure provided such activities do not impede the consultant's discharge of their duties.

1. The treatment of any patients on behalf of the employer providing that neither the consultant nor any person not a party to this contract charges any fees for such treatment.
2. The provision of professional/medical/dental practice carried out for or on behalf of the Mental Health Commission, the Medical Council, the Dental Council, a coroner, or such other bodies expressly approved by the employer for the purpose of this item.
3. The provision of expert medical/dental opinion relating to insurance claims, preparation of reports for the courts and court attendance on behalf of persons including (but not limited to) patients to whom the consultant has provided care further to this contract.
4. The provision, outside of the consultant's work schedule for the employer, of medical services in respect of which no charge (other than reasonable travel and subsistence expenses) is paid, including the provision by the consultant of voluntary or pro-bono services to or on behalf of any community, charitable or sporting organisation.