



# Confederation of British Surgery News Update

Dear Colleague

At the end of what has been a very challenging year for all, and continues to be so as we move into 2021, the CBS Team are pleased to release an overview of the last 12 months of all the work undertaken and issues being addressed in the best interests of the surgical community. Having reached over 100 members earlier this year, the need for an AGM was recognised, which took place in the new challenging circumstances of the virtual world. Out of this meeting the newly elected CBS Executive Team were appointed and can be introduced:



**John** is the Founder of CBS, he retired from the NHS in May 2017. He was appointed as Consultant Surgeon to Scarborough in 1986 and from 2012 was employed by the York Foundation Teaching Hospital Trust. He has a personal Chair with the University of Hull and is affiliated to the Academic Surgical Unit, Castle Hill, Cottingham, Hull. He was President of the Association of Surgeons of GB and Ireland (ASGBI) from 2010 to 2012, was appointed Chairman of the Surgical Forum of GB and Ireland (formerly the Senate of Surgery) in 2013 and was President of the Federation of Surgical Speciality Associations of UK and Ireland in 2014-17.

**Mark** is currently President of BAPRAS and will formally takes up the role of President of CBS when he demits from BAPRAS in January 2021.

Consultant Plastic, Reconstructive & Aesthetic Surgeon (Nottingham & Derby NHS Hospitals since 1994)

Member of the British Burn Association, the Craniofacial Society of Great Britain and Ireland and the British Society of Surgery of the Hand.

Led the development of PRASIS to support improvements in patient care and standards of practice. Senior Consultant of Trent Regional Cleft Lip & Palate Surgery

**Nigel** is Immediate Past President of the FSSA and a founder member of CBS. He has a Master of Laws from Cardiff University degree.

Consultant Plastic Surgeon (Bristol Surgery LLP)

Emeritus Honorary Consultant Plastic Surgeon and Consultant in Oral and Dental Sciences - University Hospitals Bristol

Past President of BAPRAS, BAAPS and EASAPS.

Centre for Appearance Research - University of West of England (Chair of the Steering Group)

European Cleft Organisation (Chair of Board of Directors)

Fellowships held; the Royal College of Surgeons of England; The Royal College of Paediatrics and Child Health; Founding Fellow of the Faculty of Medical Leaders and Management.

**James** has been MD for CBS since January 2020, aiming to ensure it becomes the best, most trusted professional association for surgical teams in the UK. He has a wealth of previous experience in the Medical Indemnity world having assisted numerous UK clinicians to access the most appropriate scheme for their individual needs. His interests are strongly rooted in discovering how new technology can reduce clinical risk, increase efficiency and ultimately improve patient safety.

**Professor John MacFie**  
Immediate Past President



**Mr Mark Henley**  
Incoming President



**Mr Nigel Mercer**  
Vice President



**James Rose**  
CBS Managing Director



Professor Mansoor Khan



**Mansoor** is is a Consultant Oesophagogastric, General and Trauma Surgeon at Brighton and Sussex University Hospitals.

Obtained FRCS in General Surgery in 2010 and deployed to Camp Bastion in Afghanistan followed by 1-year Trauma Critical Care Fellowship at the world-renowned R Adams Cowley Shock-Trauma Center. Has undertaken multiple operational tours and his positions have included; Consultant Advisor in General Surgery to the Medical Director, General Royal Navy and multiple international Honorary and Visiting Professorships, editor/associate editor and reviewer for multiple journals, Director of the Definitive Surgical TraumaSkills course at the Royal College of Surgeons of England and co-author of Trauma: Code Red.

Mr Parv Sains



**Parv** is a Consultant Surgeon at Brighton & Sussex University NHS Trust with expertise in general surgery, coloproctology, laparoscopic and day surgery.

Previously a Consultant at The Western Sussex Hospitals NHS Foundation Trust. Interests outside clinical and subspecialties lie in Clinical Governance and Medical Law.

Diploma in Medical Law and is Clinical Governance lead for surgery in his NHS unit. Honorary Clinical Senior Lecturer

Medical Examiner and Expert witness in Civil Law and Procedure

Mr Peter Sedman



**Peter** is the Medical Director for the Department of Cardiology in Hull University Teaching Hospitals NHS Trust. Consultant Gastrointestinal and General Surgeon in Hull since 1996.

Principal clinical interest in laparoscopic surgery.

Currently serves on the Education Committee of the European Association of Endoscopic Surgeons and is the surgical representative on the Yorkshire NHS Senate.

Previous positions - Minimal Access Tutor at the Royal College of Surgeons of England; President of the Association of Laparoscopic Surgeons of Great Britain and Ireland; Chairman of the Medical Advisory Committee of Hull's sole private hospital for over 8 years.

Miss Shireen Mckenzie  
ex-officio member



**Shireen** is a Consultant Oncoplastic Breast Surgeon in Leeds University Teaching Hospitals

Honorary Senior Clinical Lecturer

Co-Head of Year 3 MBChB, University of Leeds - PGCert(ClinEd)

Advisory board for the Faculty of Surgical Trainers( Royal College of Surgeons Edinburgh).

Specialist interests in surgical education, both at an Undergraduate and postgraduate level and creating nurturing surgical environments where we can "train and retain" the Surgeons of tomorrow.

Professor Duncan  
Summerton  
New FSSA President



**Duncan** is FSSA President and Consultant Urological Surgeon at University Hospitals of Leicester NHS Trust.

Honorary Professor, University of Leicester

Past President of the British Association of Urological Surgeons (BAUS) from 2018 to 2020

Major interests are in surgical andrology and the structure/provision of surgical services. Leads the East Midlands Penile Cancer Supra-network (6.5 million population) and has chaired the East Midlands Regional Training Committee since 2009.

Chairman of the European Association of Urology (EAU) Guidelines Panel in Urological Trauma 2009-2015.

Examiner at his local Medical School and for the FRCS (Urol) for over 12 years and sat on the Intercollegiate Board of Urology until 2017.

Mrs Helen Crookes  
Admin Manager



**Helen** has been working for CBS since September 2019, and oversees the administrative function of the organisation. She is the first point of contact for membership and referring enquiries to the Executive Team. Her background is in marketing and admin having worked for a number of health, education and regulatory organisations,

## Medico-legal - non payment of professional fees

The CBS Executive was recently approached by a member seeking advice over what they should do about a firm of solicitors failing to settle his reasonable medico-legal fees, incurred for writing a part 35 compliant report. Apparently, this is not an uncommon problem with settlement of fees being either delayed or never paid at all. We circulated a brief survey to evaluate the potential scale of this problem and the summary results will be issued shortly. ***If you have experienced problems in this area, please do not hesitate to contact us. Where significant problems are identified, CBS can liaise with the Solicitors Regulatory Authority on behalf of individual members.***

## Impact of Covid on Training Survey

Following an encouraging pilot survey looking at the impact of Covid-19 on specialist surgical training in 2020, CBS carried out further research and are currently compiling the results. Initial results suggest that training opportunities for surgical trainees have been drastically reduced due to the COVID-19 pandemic. ***This suggests a real crisis in surgical training!***

Our fears are supported by recent research results from ASIT and BOTA and we are pursuing opportunities to address this crisis.

## Trust Mergers

CBS has been involved in different enquiries around the UK relating to Trust mergers and has issued guidance on this that it will now put into the public domain, to inform CBS members.

### Updates from CBS Partners

2020 has naturally been a challenging year for the country and there will be continued challenges ahead. Thankfully, the firm was already set up for remote working and the transition to working away from the office was relatively smooth.

Now, more than ever, there is an urgent need for Consultants to consider their personal tax situations, obtaining strategic support and considering restructuring. For those who are incorporated they need to consider what likely capital taxes increases will happen in the March Budget and whether or not this can be mitigated. For those who are not incorporated, is now the time to consider the potential tax advantages from this? Personal tax advice is very individual and depends on each Consultant's personal circumstances.

*Please do not hesitate to contact Matthew Watson if you would like to discuss your own circumstances on 01905 794 504 or email [matthew.watson@ballardsllp.com](mailto:matthew.watson@ballardsllp.com).*

Cavendish Medical have always been proud of our association with the medical community but this year the first-hand reports from our clients have made us truly grateful for the work they do. The pandemic has brought different challenges for them - working on the frontline, returning to help or watching private practices be frozen. As usual, there have also been changes to pay and pensions regulations to consider - late last year the Treasury agreed to pay the tax charges of NHS clinicians for a year, there was then a substantial increase announced in the Budget in the level of earnings which can be achieved before stringent pension savings limits are applied, and we now await the outcome of the government consultation into the deemed age discrimination of moving members to the 2015 scheme. Staying on top of each change in legislation is a rewarding challenge and our job is to translate these complex problems into simple and effective actions for our clients. The new year ahead will no doubt bring further tests but hopefully, opportunities for senior doctors to prosper too. *Please contact Cavendish Medical on 020 7636 7006 to discuss how we can help.*

## Post Covid: impact on terms & conditions of employment

The deluge of media cover regarding the pandemic compounded by a tendency to be alarmist makes accurate judgements about the long-term effects of the pandemic on surgical practice difficult to predict. However, a number of factors are likely to be important:

- **PPE:** The Consultant contract stipulates that employing authority (usually Trusts in England and Wales) have a statutory responsibility to provide the resources for surgeons to be able to do their jobs safely and effectively. In the past this has been taken to mean provision of theatre / endoscopy / ward facilities in conjunction with adequate office/audit and research back up. Inevitably, the future will see as an essential addition, the need to provide effective PPE.
- **Indemnity:** it is generally agreed that the massive restriction on normal clinical activities will result in significant delays in both diagnosis and treatment. Whilst politicians and the public have nothing but praise for the NHS now, the fact remains that there is likely to be a large number of claims against surgeons in the future based on delay in diagnosis and treatment. It is the opinion of CBS that individual surgeons should be exempt from such claims. NHS Resolution have declined to comment on this issue.
- **TWW referrals:** The TWW standard is loved by politicians and health care managers but detested by clinicians in the front line. The main reason for this is simply that it is not effective. There is no evidence that the TWW referral system leads to more rapid diagnosis of malignant disease. Further, the system puts all the risk firmly onto the shoulders of surgeons. Surgeons do not control entry criteria but are held responsible if matters go wrong. Covid-19 gives an opportunity to revisit this flawed preferential referral system.
- **Referral Guidelines:** These days there are guidelines for just about every surgical diagnosis. Breach of guidelines is often used as a justification for medicolegal action. Covid-19 has resulted in massive increase in patients awaiting surgery. We must now take the opportunity to do all we can to minimise future referral practice and workload. Where risk is low, surgeons should be encouraged to discharge patients from further follow up and investigation.

## Annual Return to Certification Office

CBS members have been informed that the AR21 is available to view and can be accessed via the CBS website [here](#), along with a statement to members in accordance with section 32A of the Trade Union and Labour Relations (Consolidation) Act 1992.

## CBS Media Update

CBS continues to appear regularly in press articles and is seeing increased activity on social media platforms. Wavelength have published monthly blogs on matters which have affected the surgical world during 2020. Issues in the spotlight range from Whistleblowers and what happens next?; International Women's Day; Limiting Moral Distress in the time of C-19; and a 3-part series addressing the concerns around surgical training. All CBS updates, blogs and statements are available to view on the CBS website news section. *Please share your views with us, either directly or via social media platforms@UKSurgeons.*

## Surgical Expert

At the CBS AGM Nigel Mercer gave an overview of the proposed launch of Surgical Expert in 2021. This topic created considerable interest and discussion. As part of the development of Surgical Expert, CBS are currently looking at offering a medico-legal helpline, further news on these developments will be given in the next couple of months.

## GMC Caring for Doctors, caring for Patients Survey

In late 2019 Professor Michael West and Dame Denise Coia wrote a paper for the GMC titled "[Caring for doctors, caring for patients](#)". The Confederation of British Surgery regards the findings and message of this paper as vital to a sustainable UK healthcare system. We have created a survey which seeks to get clinicians to answer questions that to establish to what degree Trusts in the UK are acting on this report. Your participation in this survey is sought, it should take no longer than 10 minutes to complete.

[Complete Survey here](#)

CBS membership has grown steadily during 2020, from 66 at the beginning of January to 143 at the end of the year. At the CBS AGM it was decided that a closing date of 31 December 2020 should be set for Founding Fellow lifetime memberships. These memberships proved popular and have set a good foundation for CBS, however we feel it is more appropriate to have annual memberships which bring in ongoing income to allow us to grow and offer more services and support to our members. Additionally, more streamlined membership categories have been introduced as follows:

*Founding Fellows Lifetime Membership:* no new applications from 31 December 2020

*Fellows Membership (Consultant):* £159 annual or £13.25 monthly direct debit

*Associates & Trainees:* £78 annual or £6.50 monthly direct debit

*Retired Membership:* Discontinue from 31 December 2020 but lifetime benefits will be honoured

*CT1-CT2:* 2 years for the price of one - £2.25 monthly direct debit (24 months).

To become a CBS Member [join here](#)

## Looking to the Future

The declared aim of the CBS is to look after the professional and employment interests of surgeons and their teams irrespective of Surgical Royal College or Surgical Specialty Association affiliation. As such, CBS is able to involve itself in matters relating to terms and conditions of service, contracts of employment, litigation, insurance and other matters from which the Surgical Royal Colleges and the numerous Surgical Specialty Associations are excluded on the basis of their charitable status and the 'public benefit' concept which this entails. The CBS is emphatically and specifically not in competition with the Surgical Royal Colleges or Surgical Specialty Associations, as these have remits relating to clinical standards, education and membership activities and are not permitted to act, in any way, as a trade union. So, against the expectations of many, trade union membership is increasing and trade unionism is playing an increasingly important role in the UK economy. Looking ahead, and against this background illustrating the relevance of trade unionism in modern society, I think it is a straightforward matter to outline both short term and long term strategic aims for CBS. In the short term we will continue to support individual requests from members seeking advice on matters ranging from employment contracts to bullying to GMC issues to non payment of professional fees. Additionally in the short term we will continue to raise the profile of issues pertinent to everyday surgical practice. A good example of this was the recent survey organised by CBS into PPE issues. Over 600 surgeons responded and the results have been widely disseminated in the media. I think it important to acknowledge the hard work and expertise of Tingy Simoes of Wavelength and her team in dealing with the media.

In the longer term there are two overarching strategic aims: the first is to get "Surgical Expert" up and running. The concept behind Surgical Expert is that CBS will be able to draw on the expertise of its members to provide expert reports on behalf of members under investigation for whatever reason. We are well advanced in creating a board for Surgical Expert and hopefully it will commence activities in the next 6 months. The other overarching aim is to attract a sufficiently large number of members such that we can legitimately demand a seat at the negotiating table with DDRB and government. In this way, CBS will be in a position to negotiate terms and conditions of service, and affiliation to the TUC may assist this progress.