



AvMA has campaigned vigorously for openness and accountability in the NHS, and successfully brought about a u-turn in Government policy with the commitment to introduce a statutory "Duty of Candour". It fears unless the guidance is changed, all that could be undermined.

AvMA has dealt with several cases where the existing guidance on litigation and complaints has been used as an excuse not to investigate a complaint. Some NHS trusts are still claiming (wrongly) that they can not investigate a complaint if a claim is intimated. AvMA wrote formally to Ministers in 2011 about this but so far there has been a refusal to issue new guidance.

Mr Walsh added:

“Those trusts who are using this loop-hole because they think it will save the NHS money or embarrassment have got it wrong. Many people would be satisfied with an honest complaint investigation and apology. This behaviour makes them more likely to want to sue. Also, the denial of early factual information as well as being unethical, draws out legal investigations leading to vastly inflated legal costs.”

ENDS