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Patient Safety & Justice News Issue 1 - January 2015

Welcome to AvMA's first e-newsletter of 2015. We'll email you every couple of months with news of developments in the world of patient safety and justice; inspiring stories from people affected by medical accidents; AvMA's work, and ideas on how you can get involved.

AvMA (Action against Medical Accidents) is the UK charity for patient safety and justice. For more information visit our website: www.avma.org.uk

News

Duty of Candour now law in England



The 27th November 2014 marked an historic moment for the NHS in England. The statutory Duty of Candour - a legal duty to be open and honest with patients or

Scotland, Wales and Northern Ireland to adopt Duty Of Candour?



The Scottish Government have just finished a consultation on their plans to introduce a statutory Duty of Candour in Scotland. [AvMA's response to the consultation](#) welcomes the plan in principle

their families when things go wrong - came into force. AvMA has campaigned for such a duty for two decades and this, together with the recommendation from Sir Robert Francis following the Mid Staffordshire public inquiry, helped persuade Health Secretary Jeremy Hunt to agree to it. Successive governments had refused to go as far as making honesty when things go wrong a statutory requirement.

Effectively, until now the NHS has frowned upon cover-ups but tolerated them. The Duty of Candour, which is embedded in the [statutory Care Quality Commission \(CQC\)](#) regulations now applies to all NHS trusts and will be regulated by the CQC, which has severe sanctions available for NHS trusts who do not comply including, ultimately, criminal sanctions. It will be rolled out to primary care and social care in April 2015.

AvMA is grateful to everyone who has supported this campaign and especially the family of Robbie Powell for first raising awareness of the need, their heroic efforts and for lending Robbie's name to our campaign - "Robbie's law". AvMA is now working to ensure that staff get the training and support they need to implement this and that the CQC and health professional regulators promote and regulate it robustly.

but calls for recognition that the duty must cover incidents that have the *potential* to result in harm – not just those that are known to have *caused* harm. AvMA also recommend other enhancements to the plan including ensuring patients/families are offered information about specialist independent advice and support.

Meanwhile the Health Minister for Northern Ireland Jim Wells, has accepted Sir Liam Donaldson's recommendation of a Duty of Candour. The Welsh Assembly Government has already signalled their intention to legislate for a statutory Duty of Candour there. AvMA has been making representations about this in all three countries and will continue to support these developments.

Lord Saatchi's Medical Innovation Bill dangerous and unnecessary



Concern is growing amongst patients' and doctors' organisations that the controversial [Medical Innovation Bill](#) may yet pass through parliament before it rises for the General Election. The Bill is based on the misapprehension that fear of litigation is the major barrier to innovative treatment and the Bill would protect a doctor from clinical negligence legal claims even if the treatment harms their patient and was negligent by today's standards. Leading agencies with expertise in this field, ranging from AvMA to the BMA, Medical Protection Society, Medical Defence Union and NHS Litigation Authority all confirm there is no evidence that litigation is a major inhibitor of responsible innovation.

AvMA and leading doctors agree that the Bill would have unintended consequences such as making it easier for rogue doctors to prey on the vulnerability of patients. An individual doctor could not be found to be negligent so long as they had consulted

GUEST FEATURE:



When Richard von Abendorff contacted AvMA about his late mother's case, he was determined that lessons were learnt. Against all the odds he got a patient safety alert issued on the dangers of the drug Naloxone. However wider concerns about end of life care remain. This is his story:

"Can patients' families raising serious safety concerns and providing evidence of services not fit for purpose expect robust action from statutory health bodies? After a three and half year journey following my elderly mother's avoidable, iatrogenic, horrifically painful death in hospital I have to conclude, from my experience, NO. The hospital admitted many failings but despite a multitude of processes including Complaint, Ombudsman (ongoing), Inquest, CQC and expert reports no robust remedy has yet been achieved.

I wanted to warn others about the dangers of Naloxone for palliative and cardiac-risk patients so I purchased an independent experts report which I circulated widely in the hope of raising awareness. After two years and on the back of this report, NHS England published a [Patient Safety Alert](#). However my mother's subsequent sub-standard treatment also highlighted the [poor end of life care](#)

one other doctor and obtained the patient's consent – even if the advice from the doctor consulted and the medical community at large was that the treatment was dangerous and not in the patient's interests. Doctors would face pressure from pharmaceutical companies to get patients to agree to “innovative” but untested treatments. MPs will have a chance to object to the Bill when it reaches the 2nd reading in the Commons on 27th February 2015, which would mean it probably could not go through in this parliament. We urge supporters to encourage their MP to object.

AvMA and Verita join forces to organise conference on 'Investigations Fit For A Modern Health Service'



The quality of NHS investigations into incidents and complaints has come under intense scrutiny following scandals such as Mid Staffordshire. The impetus for improvement is now urgent and unstoppable following reviews of the NHS complaints procedure and NHS England's Serious Incident Framework and the renewed focus on patient safety.

[for some people in acute hospital settings](#). During this process I gathered evidence about the risks and harm this causes patients. I make this evidence available for the first time in the hope that other hospitals may act on it. Firstly the [Coroner's palliative expert report](#) identified issues contributing to her poor end of life care. Perhaps most damning was that purely advisory palliative services in an acute hospital setting are 'not fit for purpose' to meet the needs of more complex dying patients. How many hospitals offer just that? Secondly the [medico-pharmacological report](#) which led to the Patient Safety Alert identified mechanisms by which under-treated severe pain can hasten death through heart related effects. This has serious implications for care settings."

Ombudsman seeks feedback



The Parliamentary and Health Service Ombudsman is seeking feedback from people who have sought their help, to assist them in the development of a "service charter". You can find out more and [submit your comments](#). AvMA will also be participating in a stakeholder panel to advise the Ombudsman about this, so also feel free to share your thinking with us.

The Ombudsman has come in for serious criticism

With this in mind, AvMA and Verita, leading independent consultants in healthcare investigations, have organised a conference on 5th March at 15 Hatfields, London to bring all those involved in incident and complaints investigations in the NHS up to speed with the new Serious Incident Framework; the new Duty of Candour; the new CQC standards and inspections; best practice in investigations; and key findings from the Parliamentary and Health Service Ombudsman.

Registration fees start from £145 + VAT. For full programme and registration details please go to www.avma.org.uk/events or e-mail conferences@avma.org.uk

Join Team AvMA in the London Legal Walk, 18th May 2015



We are entering a team in this year's London Legal Walk so far 11 AvMA staff have committed to raising funds for our charity. The event which has become the largest annual gathering for legal professionals in the world aims to raise funds to support free legal advice charities in London and the South East. Walkers who take part work hard to secure sponsorship and we ask you to join in and support the charity by either walking with us or making a donation.

Our target this year is to better last year's total of £1,500 and collectively raise £2,000 for

for the way it handles NHS complaints recently, and we hope these discussions will lead to much needed change. AvMA has been pressing the Ombudsman to cease the current practice of turning some complainants away if they are making a clinical negligence claim linked to the incident behind the complaint or have the potential to. This is done by treating the clinical negligence claim as an "alternative remedy" to the complaint. This is at odds with the NHS complaints procedure and ignores the fact that a clinical negligence claim can only provide compensation, whereas the complaint is about so much more.

The AvMA Choir Workshop Spring 2015



We all secretly love singing, in the car, the shower in front of a mirror with a hair brush. By popular demand AvMA is hosting its third choir workshop led by renowned choir master and head of music at the University of East Anglia, Stuart Dunlop. Our last workshop in September 2014 attracted more than thirty people who went on to sing as a guest choir at the first ever AvMA Legal Medical Choir of the Year Challenge in October 2014. Many legal firms and medical centres have their own choirs and were thrilled to take part in the challenge.

Our choir workshop will help those who would like to sing more or even form a choir. Our 2013

AvMA. The walk which will take place on Monday 18th May and is 10km long, will commence at the Royal Courts of Justice, go along the Embankment and across to Hyde Park and then return via The Mall and Trafalgar Square.

Every penny AvMA raises will help fund its Patient Safety Helpline, Inquest Support and other vital work that ensures patients and their families get the help they need. Support AvMA join our team and walk with us on the London Legal Walk, the more walkers the more money we'll raise and it's a great way to meet and share a drink at the finish.

Enter your own legal team and nominate AvMA as your beneficiary charity or alternatively please just give us a donation and [sponsor team AvMA](#).

workshop prompted three new choirs one of which, Shoosmiths, jointly won our 2014 challenge. In addition there were many individuals who wanted to learn more and sing in a choir but their firm didn't have one. Thus we will be forming the AvMA Choir Collective – Watch This Space! [To read more....](#)

**Book our upcoming AvMA Event
Medico-Legal Issues in Oncology
5 February 2015
Manchester Conference Centre**



This vital course will provide in-depth knowledge and understanding of Oncology in a medico-legal context relevant to your case load. The day combines a mix of presentations from leading experts to cover types of tumour; staging and classification; diagnostic tools and treatments; medico-legal issues in the delay of diagnosis; advances of surgery and causation issues arising in cancer claims. [Book here.](#)

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