

## January 2012

### **WELCOME TO OUR LATEST UPDATE ON ISSUES CONCERNING PATIENT SAFETY AND JUSTICE FIGHT ON FOR A GENUINE DUTY OF CANDOUR - PLEASE ACT**

Pressure is mounting on the Government to alter its proposals for a so-called "duty of candour" with patients when things go wrong. The Government proposals restrict this merely to a contractual arrangement with NHS hospitals, and even then with the duty only applying to incidents which have already been reported to the official system. A broad coalition of patients' groups, health professionals and politicians of all persuasions are insisting on a more comprehensive, statutory duty. You can still make your feelings heard by responding to the Department of Health consultation on this issue. Click [here](#) for details. Please respond saying that the proposal is inadequate and a statutory duty is needed. You may wish to make some of the same points as AvMA has in their response which can be seen [here](#). AvMA is working with various peers to seek an amendment to the Health & Social Care Bill to introduce a statutory duty of candour.

### **BACKBENCH REVOLT OVER LEGAL AID AND CLINICAL NEGLIGENCE**

The Government may be facing a revolt and possible defeat over controversial plans to scrap legal aid for victims of clinical negligence. Amendments to the Legal Aid Sentencing and Punishment of Offenders Bill have been put down by peers from both Government parties to keep clinical negligence in scope for legal aid. This week, the Law Society published an independent report by King's College which confirms what AvMA has been saying. If people are still able to make a claim under the proposed new system of no-win no-fee agreements (as the Government claim) it would cost the Government (ie the taxpayer) millions of pounds more than it would if legal aid were maintained. Either the Government is being deeply cynical and wishes to deny access to justice, or it is terribly misguided/financially incompetent over this issue.

### **PARTIAL U-TURN OVER CHIEF CORONER**

AvMA has been part of a coalition of like-minded groups including the Royal British Legion and the charity Inquest, who have been campaigning for the retention of the new post of Chief Coroner which was due to be axed under proposals in the Public Bodies Bill. We are glad to report that we were successful in helping secure a u-turn and a chief coroner will now be recruited. We consider this vital for securing better quality and consistency at coroners' inquests. AvMA runs a special project supporting families at healthcare related inquests. Unfortunately, we did not manage to secure a right of appeal to the chief coroner over refusals to hold an inquest.

### **NHS WHISTLEBLOWER GROUP LAUNCHED**

A new group has been formed to lobby for better support and protection of "whistleblowers" in the NHS (staff who raise concerns about patient safety). [Patients First](#) is headed by paediatrician, Dr Kim Holt, a whistleblower known for exposing problems leading up to the Baby P scandal. AvMA has been helping set up the group and will continue to work in partnership with it. Both are campaigning for more openness in the NHS - listening to whistleblowers and being open with patients.

### **BREAST IMPLANT SCANDAL UNDERLINES NEED FOR REGULATION**

AvMA is demanding an investigation into how the UK's system of regulation allowed thousands of women to be put at risk in the PIP breast implant scandal and the need for better regulation of the cosmetic treatment industry overall. AvMA is also calling for a mandatory insurance scheme to ensure patients are not left without a route for redress if a company goes bust, as has happened with hundreds of women affected by the breast implant scandal.

## **GMC WARNED AGAINST DEALS BEHIND CLOSED DOORS**

AvMA and many others are warning the GMC not to go ahead with controversial proposals to avoid holding fitness to practise hearings in public, by holding private meetings with doctors to discuss proposed sanctions. If a doctor agrees to a sanction a public hearing will not be heard. AvMA does not disagree that it may not be necessary to hold a public hearing if a doctor accepts the charges and the sanction laid down by the GMC. What is controversial is that the GMC want to discuss a proposed sanction in private with the doctor before the proposed sanction is made public. In AvMA's view this can only lead to 'plea bargaining' or the perception of plea bargaining which would undermine public confidence in the system. At a conference held before Christmas the majority of participants were of the same view.

## **AvMA 30th ANNIVERSARY YEAR**

2012 marks AvMA's 30th Anniversary. Please help us make the most of the opportunity this provides to raise funds to help keep our charitable services going and developing.

## **AvMA SEEKS NEW TRUSTEES**

AvMA is seeking new trustees to join its Council of Management. This is a voluntary role, but all out-of-pocket expenses are paid and trustees enjoy the satisfaction of working for one of the country's most respected health charities. Trustees set overall policy and strategy and are responsible for sound governance of the charity. Click [here](#) for full details of what is involved and how to apply.

## **AvMA IN THE NEWS:**

01.12.11 BBC Online re Mid Staffs <http://www.bbc.co.uk/news/health-15895099>  
02.12.11 The Guardian: Mid Staffs <http://www.guardian.co.uk/society/2011/dec/01/stafford-hospital-inquiry-nhs-failings>  
01.01.12 Independent on Sunday: Breast Implant scandal  
05.01.12 BBC Radio 4 'You & Yours': cosmetic treatment/regulation  
09.01.12 The Guardian: Breast Implant scandal: <http://www.guardian.co.uk/society/2012/jan/08/patients-sue-plastic-surgeons-faulty>

## **FORTHCOMING EVENTS:**

For information visit the [events](#) page of our website or e-mail [conferences@avma.org.uk](mailto:conferences@avma.org.uk)

## **WE NEED YOUR SUPPORT:**

AvMA relies on its charitable fundraising to continue to develop and provide support to people affected by medical accidents and to campaign for patient safety and justice. If you would like to make an online donation to AvMA easily and securely, simply click [here](#). If you would like to make a regular donation please complete and return the form from [here](#). We have also developed a whole range of opportunities to raise money for the charity and have fun at the same time. These range from holding a coffee morning to doing a sponsored parachute jump. Some other ideas include organising a charity golf day or quiz night in support of AvMA, or doing a sponsored run or other activities. Our events team will provide you with all the help and support you need. Contact them at [conferences@avma.org.uk](mailto:conferences@avma.org.uk) or visit "[Support Us](#)".