

Justice Committee
Apologies (Scotland) Bill

Written submission from the Medical Protection Society

I wanted to extend my thanks to you and your Committee for the invitation to attend its meeting on 9 June, and participate in the round table evidence session on the Apologies (Scotland) Bill.

As a not-for-profit organisation, representing over 12,000 healthcare professionals across Scotland, it was good to have the opportunity to discuss the Bill with the Committee and colleagues from the medicolegal community. As I outlined during the session, the Medical Protection Society (MPS) is supportive of the Bill. However, while supportive, we are clear that this only represents a small part of what is needed to bring about positive and lasting cultural change.

MPS supports a position of open communication, encouraging appropriate apologies where things have gone wrong. We provide regular high quality training and education to members to support this culture in medical and dental practice. I have enclosed details of our 'Openness' campaign.

When considering an adverse incident, it may be some time before all the facts, and perhaps the reason why and how the event occurred, is understood. Until these are established, speculation should be avoided as this is unhelpful for all involved. However, we advise members that this consideration should not hinder a prompt apology from being forthcoming. At the initial contact between the patient and the doctor or dentist involved, they may not have answers to all the questions or adequate explanations. Where this is the case, we advise members to say so, but commit to endeavour to establish them and report back to the patient.

Apologies are important when things go wrong. Healthcare professionals should feel able to apologise after an adverse incident, in the knowledge that that apology is in itself not an admission of liability, rather a means of expressing sympathy. This is in-line with the General Medical Council's guidance. While again acknowledging the limited impact this Bill could have on bringing about the positive cultural change we want to see in healthcare, it is never the less a step in the right direction.

Should you require any more information from MPS over the course of your Committee's further scrutiny of this Bill, or on any other matter, please do not hesitate to contact me.

Dr G C McDavid
Medicolegal Adviser
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