Medical defence and what every junior doctor should know
Why do I need to be a member of a medical defence organisation? Doesn’t the NHS cover me?

YES

• For claims arising from NHS clinical work

NO

• For patient complaints
• Trust disciplinary hearings
• GMC hearings
• Criminal investigations
• Private patients
• Category II work
• Some coroner’s inquests
• Good Samaritan acts worldwide
A GMC requirement

“You must take out adequate insurance or professional indemnity cover for any part of your practice not covered by an employer’s indemnity scheme, in your patients’ interests as well as your own”.

Good Medical Practice 2006, paragraph 34
The bottom line

It is estimated that doctors in the UK make 850,000 medical errors a year

*An Organisation with a Memory, DoH, 2000*

Without membership of a medical defence organisation your career prospects and financial security could be at risk.
"I see your Medic-Alert bracelet says you've sued quite a few doctors."

Copyright of the illustrator
Implications of investigations

- Suspension from work
- Loss of earnings
- De-skillment
- Impact on professional standing
- Intrusion of privacy
- Financial hardship
- Strain on family and personal relationships
- Feelings of worthlessness and despair
How much would defending myself cost?

It can cost more than £50,000 in solicitors’, barristers’, expert witness and other fees to appear before the GMC
F1 on manslaughter charge

- During a night shift, a F1’s patient died after the F1 provided nurses with an incorrect treatment protocol
- The F1 was charged with manslaughter and summoned to appear before a criminal court
How the MDU assisted

- MDU medico-legal adviser and solicitor appointed to assist the F1 and provide support throughout

- Barrister with significant experience in defending medical negligence cases appointed by the MDU to represent client

- MDU provided assistance in drafting the F1’s statement, securing character evidence and preparing doctor for giving evidence

- F1 was accompanied by MDU solicitor throughout trial
Outcome

- The F1 was successfully defended by the MDU
- The F1 was fully acquitted of manslaughter and free to return to work
What else does the MDU do?

We provide advice to members to help them minimise the risk of receiving a patient complaint or claim.

Key areas:
- Consent
- Confidentiality
- Record keeping
- Prescribing
"Is she gone? Good. Her doctor just called and said she's a complete wacko. We're supposed to just give her a placebo prescription."
Dear

Could you kindly see the shore who should like to be identified, Para 4.

Yours sincerely
What else does the MDU do?

Our **medico-legal advisers** are available night and day to provide expert advice on any medico-legal situation that a doctor may face.

The **Advisory Helpline** is a free and confidential service for all members. It doesn’t need to be a crisis to call us.
What else does the MDU do?

Our press office manage media enquiries relating to members involved with high profile cases. It is vital that the media is handled correctly to minimise damage to a doctor’s reputation.

Over 100 new requests for assistance per year to the MDU press office.
Choosing the right medical defence

Medical indemnity can be on an **insured** or **discretionary** basis.

An **insurance policy** is a legal agreement to meet the costs of a claim, within its terms and conditions.

**Discretionary benefits** are only available at the discretion of the organisation providing them, and there is no certainty of payment.

Would you consider insuring your house or car on a discretionary-only basis?
The MDU – your choice is clear

**M** Mutual – we are a not-for-profit organisation and we don’t have shareholders

**D** Doctors for Doctors – we are owned by doctors and have the best interests of the profession at heart

**U** Unlimited free medico-legal advice from our 24-hour advisory helpline
The MDU – your choice is clear

**M** Market leader – more doctors in the UK and Ireland belong to the MDU than any other medical defence organisation

**D** Dedicated – solely to the needs of doctors in the UK and Ireland. We don’t risk our members’ money by operating overseas but will provide insurance for UK and Ireland-based training grades working abroad for up to one year

**U** Unique – only the MDU offer an insurance policy in addition to discretionary membership benefits
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