

2008 - Crunch Year for Patient Safety & Justice

2008 not only marks the culmination of AvMA's 25th anniversary but also promises to be a crunch year for patient safety and justice in the United Kingdom. In this issue we update you on some of the developments that have the potential to revolutionize the health service's approach to safety and the way that the aftermath of medical accidents are dealt with when they do occur.

Search for "Patient Safety Champions" launched

A recruitment campaign has been launched to find lay people from around England and Wales to 'champion' the cause of patient safety and ensuring patient experience and perspectives informs NHS work on safety. Full details can be found on AvMA's website www.avma.org.uk; alternatively telephone 020 8688 9555; or e-mail safety@avma.org.uk. Applications are sought by 30th April 2008, with a residential induction workshop taking place in May.

AvMA have been awarded the contract to manage the Patient Safety Champions' project in England and Wales following a competitive tendering exercise by the National Patient Safety Agency (NPSA). The project aims to recruit and support lay people (particularly, but not exclusively, those who have been affected by medical harm) to work with NHS.

The project stems from a recommendation by the Chief Medical Officer in his blueprint 'Safety First', but also draws extensively on the pilot project 'Patients for Patient Safety' which AvMA has been managing with the NPSA for the last two years. The aim is to embed the patient experience/perspective in all NHS work on patient safety and challenge the 'culture of denial'. AvMA is delighted to have had its achievements and role as a champion of patient safety and people affected by medical harm re-enforced by leading this project for the NHS in England and Wales. AvMA are approaching the relevant authorities in Scotland and Northern Ireland about the

possibility of a similar approach. The project will also be linked to the World Health Organisation (WHO) work on 'patients for patient safety'.

Another way to champion patient safety and justice - AvMA are looking to recruit several new trustees. See inside

Complaints and Redress Revolution in NHS

2008 should see the beginning of a revolution in the way that the NHS handles complaints and redress for people affected by medical errors. Last year the Department of Health consulted on its plans to merge the NHS and Social Care complaints procedures and move to a two stage procedure (dropping the Healthcare Commission role in complaints). In 2006 the NHS Redress Act was passed, providing the legal framework for an NHS Redress Scheme in England, which could make it easier for people with 'low value' claims to get compensation and assurances that patient safety lessons have been learnt.

Many questions remain to be answered both about the new complaints procedure and about the NHS Redress Scheme. More details, plans and regulations may emerge in 2008, however implementation will not be before 2009/2010. AvMA's annual Complaints and Redress Conference (London, 26th March) is the first opportunity to learn more about how the new system might work. Contact AvMA's Conference Department for more details. Tel: 020 8688 9555.

Redress in Wales and Scotland

AvMA has been working with the Welsh Assembly over its plans for its own version of an NHS Redress Scheme. The Assembly has shown a refreshing willingness to going further than the limited provisions of the English Act, including applying their scheme to primary care and considering the possibility of moving away



from the heavily criticized reliance on the legal definition of 'negligence' in the long run. AvMA's Deputy Chief Executive, Hugh Williams, has contributed substantially to the work of the steering group and working parties set up by the Welsh Assembly. Ironically, the Welsh scheme may be ready before the English one, 2009 being a potential start date.

In Scotland, the SNP administration came to power interested in introducing a 'no-fault compensation' scheme for the NHS in Scotland. AvMA have met with the Scottish Cabinet Secretary for Health, Nicola Sturgeon MSP, to discuss possible ways forward. Ms Sturgeon expressed a keenness to work with AvMA and to support its work in Scotland.

Health Professional Regulation after Shipman et al

The Government presented its proposals following the Inquiry into Harold Shipman and other predatory health professionals in its White Paper in February 2007 'Trust Assurance and Safety - The Regulation of Health Professionals in the 21st Century'. In spite of a high profile launch and a plethora of meetings/working groups being set up, AvMA

has been concerned that progress in implementing the White Paper, or even clarifying detailed plans, has been painfully slow. However, most of the working groups have now started addressing some of the important issues to be resolved. The implications for patient safety are huge, yet there is still very little clarity over key proposals such as the role of local 'GMC affiliates', 'Responsible Officers' or whether repeated calls for specialist support and advocacy for members of the public who may need to report on a health professional's unfitness to practise will be addressed (see below). We hope to be able to report substantive progress in 2008. Keep in touch via our website www.avma.org.uk. The statutory framework for some of the reforms is laid down in the Health and Social Care Bill.

Health & Social Care Bill: Concern over Indemnity Arrangements

AvMA is expressing concern about clauses in the Health & Social Care Bill currently before Parliament, which deal with the indemnity arrangements for NHS patients being treated by private healthcare providers. AvMA welcomes the proposal to open the Clinical Negligence Scheme for Trusts (the 'insurance policy' for NHS bodies managed by the NHS Litigation Authority) up to private providers treating patients for the NHS. However, the current proposals make it clear that the arrangement will be entirely voluntary. This could create a position whereby NHS patients being treated in the private sector can be put in a disadvantaged position in comparison with other NHS patients if things go wrong. AvMA has seen examples of injured patients being caught in the middle of arguments about who is liable. Where liability falls to the private operator working on behalf of the NHS, it would mean the NHS patient is forced to take legal action against an individual doctor or private company rather than have their claim dealt with



by an NHS body, usually the NHS Litigation Authority, as most negligently injured NHS patients can expect. AvMA believes that every NHS patient should be guaranteed the same rights and systems of redress, whether or not their NHS treatment has been commissioned from a private provider.

AvMA 25th Anniversary Continues

Events to mark AvMA's 25th anniversary started in 2007 and continue throughout 2008. The highlight so far was the 25th Anniversary Celebration held in the spectacular surroundings of the Science Museum, London. This was attended by 430 people and included presentations from AvMA's founder, Peter Ransley, and first Chief Executive, Arnold Simanowitz OBE. The winners of awards in various categories were also announced at the event, however everyone agreed that it was impossible to single out everyone who had made an outstanding contribution to patient safety and justice over the years. AvMA's Chief Executive, Peter Walsh, dedicated the evening to the thousands of people who have had to deal with the trauma of being affected by, or losing a loved one as a result of medical harm. Different supporters around the country have also been organising fun events which raised much needed funds for the charity's work. These range from sponsored parachute jumps to Dartmoor and Hadrian's Wall hikes,

raffles, bike rides and even sponsored bacon butties by the boss.

Please help us make the most of what remains of our 25th anniversary year. We can help with ideas and with the logistics of organising an event. In the first instance contact Margaret Morley on 020 8688 9555.



AvMA Seeks Additional Trustees

Would you like to be part of a team leading a dynamic and well respected charity which has championed the cause of patient safety and justice for 25 years?

AvMA is seeking to recruit several new trustees to join the existing excellent team. Being a charity trustee is voluntary, but AvMA does provide training and pay expenses. We are particularly keen to recruit at least one trustee from Scotland and one from Wales, where we are hoping to increase our presence. We are seeking trustees from a range of backgrounds to reflect diversity. Trustees need to show a passion for patient safety and justice, be able to work well as a team and be able to meet in London at least three times a year. For further details contact Margaret Morley on 020 8688 9555, e-mail: pa_chiefexec@avma.org.uk, or see details on our website: www.avma.org.uk



Call for Independent Advice and Support

AvMA and others are pushing for recommendations for independent advice and support for people who may need to report concerns about health professionals to be implemented. This was a key finding of the Shipman Inquiry and others. At present, although millions of pounds is spent on advocacy for general complaints about the NHS in each nation of the UK, there is no funded service to help advise people about the various routes their concerns could take such as private or NHS complaints procedures; the health profession regulators (such as the GMC); legal action; or patient safety reporting systems. Neither is there a service to support people through the daunting processes of the GMC, NMC etc. The consequence is that many people do not report at all, depriving the systems vital warnings about dangerous healthcare workers, or time and money is wasted in bouncing between different procedures. The issue is due to be debated in the context of the Health and Social Care Bill and in the Department of Health working groups on health professional regulation.

Helpline Expands to North West

AvMA is expanding its helpline service further to help meet demand from people affected by medical accidents. It has already extended the opening hours of the helpline to 7 hours a day and is about to open a helpline call centre in Manchester. This will help with overall access to the service, as calls can be 'tripped' to one or other centre when the other is busy and it is also hoped to boost uptake of the service from the North West and North of England. The helpline is run with the help of specially trained volunteers supervised by AvMA's professional casework staff. The North West helpline will go 'live' in late February/early March. The telephone number remains the same: 0845 123 2352 (local call rate, hours 10-5 Mon-Fri).

Dates for your Diary

18th March	Patients for Patient Safety: learning from the pilot and looking to the future, City Hospital, Birmingham * <u>FREE</u>
26th March	The Annual Complaints and Redress Conference, Woburn House, London
27-28 June	Annual Clinical Negligence Conference, Brighton
9th October	Legal & Ethical Issues in Dentistry, London
26th November	The Annual Legal & Ethical Issues in Medicine Conference, London

For details see www.avma.org./conferences_events
e-mail: conferences@avma.org.uk
tel: 020 8688 9555

Action against Medical Accidents, 44 High Street, Croydon, Surrey CR0 1BY