

Doctors who fail to raise concerns about substandard patient care could be struck off, according to whistle-blowing guidance published yesterday.

The General Medical Council (GMC) has also banned doctors from signing "gagging clauses" that stops them raising patient safety issues amid increasing reports about trusts using payoff agreements to silence health professionals.

The GMC yesterday said that the interests of the patient must "trump everything" and doctors must not sign such contracts, which risk their own careers and the health of patients.

Medical managers also face a regulatory clampdown if they fail to properly deal with concerns raised by more junior colleagues. They must do their best to ensure those doctors who blow the whistle are protected from reprisals by colleagues or managers

The new guidance, which comes into force from March, comes only weeks before the final report into the scandal at Mid Staffordshire hospitals, where 800 to 1,200 people died unnecessarily. The General Medical and Nursing and Midwifery Councils have been criticised for failing to clamp down on those staff who stood back while patients suffered poor quality care.

Niall Dickson, chief executive of the GMC, said the Council's new liaison service should help doctors feel less isolated.

"[Gagging] clauses are totally unacceptable. Doctors who sign such contracts are breaking their professional obligations and are putting patients, and their careers, at risk.

"Nor must doctors in management roles promote such contracts or encourage other doctors to sign them."

The guidance makes clear that doctors should try first to raise their concerns in their workplace, but must then go to the GMC or another regulator such as the Care Quality Commission (CQC). Doctors can then go public if they have exhausted all other avenues and patients are still at risk.

The CQC has asked at least six employees since 2009 to sign confidentiality agreements that stop them from publicly criticising the organisation, it was revealed yesterday.

Health workers have long complained about the catastrophic personal and professional consequences of whistle-blowing. Some doctors claim to have suffered years of unnecessary anxiety as a result of being reported to the GMC by their employers on spurious charges.

Dr Kim Holt, a paediatrician at Great Ormond Street Hospital, spent four years on "special leave" after raising concerns about child protection at the clinic where Baby Peter Connolly's injuries were later missed. Dr Holt, who refused to accept a £120,000 settlement with a gagging clause, said the impact of the GMC guidance must be carefully monitored. She added: "This will only help if the same standards are applied to everyone in the NHS including chief executives and other managers."

Last May the Health Select Committee made it clear that it expected professional regulators to come down hard on nurses and doctors who tolerated second rate care.

Stephen Dorrell said at the time: "Every practising doctor and nurse knows that they have an obligation to report to their professional body any concerns about the quality of care being delivered by their colleagues... this is part of what it means to be a professional, and we look to the GMC and the NMC to ensure that failure to act on it is regarded as a serious breach of professional obligation."

Doctors must not agree to "gagging clauses" that stop them raising concerns about poor quality care, according to new guidance.

The General Medical Council (GMC) said clauses in contracts and agreements to silence doctors went against their "professional duty" to raise worries about substandard care.

The GMC has heard anecdotes from doctors about contracts which say they must not contact the regulator if they have concerns.

But the GMC says the interests of the patient must "trump everything" and doctors must not sign such contracts, which risk their own careers and the health of patients.

The guidance does say that doctors should try first to raise their concerns in their workplace, but can then go to the GMC or another regulator.

The doctor may wish to tell the GMC if they are unable to raise the issue with their employer, because they believe the employer is part of the problem or if a doctor has raised "concern through local channels but are not satisfied that the responsible person or body has taken adequate action".

Doctors should also tell regulators if there is an immediate serious risk to patients and a regulator or other external body has responsibility to act or intervene.

They can then go public if they believe they have done all they can to raise concerns and if they have good reason to believe patients are still at risk of harm.

The new guidance replaces previous GMC documents on the issue, which have all stressed a doctor's duty to raise concerns.

The GMC says doctors also have responsibility for the safety and wellbeing of patients when performing non-clinical duties - including when they are working as managers.

Another document on leadership and management is also being issued on doctor responsibilities in relation to issues including employment, teaching and training.

The two documents will be sent to all 240,000 doctors on the medical register and come into effect in March.

Public Health Minister Anne Milton said: "We welcome the new guidance from the General Medical Council which states clearly that a doctor's first duty must be to patient welfare.

"Any contract preventing a doctor from raising concerns about the welfare of his patients is completely unacceptable, and the new GMC guidance makes that clear.

"We will continue to work with the GMC and other professional partners to raise standards on the front line, and to protect those who draw attention to sub-standard practice.

"In December, the Department of Health announced the launch of a free, independent helpline to provide confidential advice for those working in health and social care about how to blow the whistle on unacceptable practices."