

17 October, 2014

The Medical Protection Society calls for safeguards on a new offence of wilful neglect on doctors

Ahead of the debate in the House of Lords on 20th October on a new offence of wilful neglect on doctors, the Medical Protection Society (MPS) continues to call for safeguards to prevent damaging consequences to the professional lives of doctors.

Dr Nick Clements, Head of Medical Services said:

“While we welcome assurances from government about the guidance which will be produced for the new criminal sanctions for ill treatment or wilful neglect, we continue to have concerns that the Bill as it stands will have unintended consequences.

“The government’s intention is that the offence deals with only the most serious incidents, but it will rely on reasonable everyday decisions to be protected by prosecutors exercising their discretion not to prosecute. However, the offence is broadly drafted and the police will feel obliged to investigate cases of alleged neglect unless it is clear there is no case to answer.

“We believe there needs to be appropriate and sufficient safeguards, making it clear that where a professional’s actions are part of appropriate everyday clinical decision making and would be supported by a responsible body of their peers they should not be investigated.

“It is important that greater clarity as to the threshold for the criminal offence is provided in legislation otherwise there may be unwarranted and disruptive police investigations into clinical decisions made by doctors.”

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About MPS

MPS is the world’s leading protection organisation for doctors, dentists and healthcare professionals. We protect and support the professional interests of more than 290,000 members around the world. Our benefits include access to indemnity, expert advice and peace of mind. Highly qualified advisers are on hand to talk through a question or concern at any time.

Our in-house experts assist with the wide range of legal and ethical problems that arise from professional practice. This includes clinical negligence claims, complaints, medical and dental council inquiries, legal and ethical dilemmas, disciplinary procedures, inquests and fatal accident inquiries.

Our philosophy is to support safe practice in medicine and dentistry by helping to avert problems in the first place. We do this by promoting risk management through our workshops, E-learning, clinical risk assessments, publications, conferences, lectures and presentations.

MPS is not an insurance company. All the benefits of membership of MPS are discretionary as set out in the Memorandum and Articles of Association.