

UK: New law could jail doctors for negligence

November 19 2013, by Maria Cheng

The British government is proposing a new law that could jail doctors and nurses for up to five years, if they are convicted of "willful negligence."

The proposed legislation is part of a set of new proposals, outlined Tuesday, that are meant to address problems revealed by a series of catastrophic failures at the Stafford Hospital in central England, when hundreds of [patients](#) died unnecessarily from 2005 to 2009.

The government plans to create a new criminal offense for medical professionals who have deliberately neglected or mistreated patients. But some doctors' groups said such a law would make health professionals defensive and fearful, and that existing measures already deal with negligent care.

In a speech in the British House of Commons on Tuesday, Health Secretary Jeremy Hunt said a "profound transformation" is needed in the culture of the government's free health care system.

"We need to face up to the hard truths," he said, saying the proposed measures would create a transparent culture where patients would be able to do things like check hospital safety records online. Hospitals also would be obliged to inform patients or their relatives of any mistakes made by medical professionals resulting in death or serious harm, whether or not such information was explicitly requested.

In a report on the Stafford Hospital scandal published in February, investigators described its care as "appalling" and said the most basic standards were not met. The report described "patients left in excrement-soiled bed clothes for lengthy periods" and noted that "staff treated patients and those close to them with what appeared to be callous indifference."

The new law also would make it a criminal offense for a [medical professional](#) to obstruct someone else treating patients, to mislead patients or their families about such an incident, or to lie to an investigator about the incident.

Doctors' groups called the proposed changes unneeded and detrimental.

"We believe the introduction of a statutory duty of candor with criminal sanctions ... would not add anything substantive," the British Medical Association said in a statement. It said the threat of criminal prosecution could "worsen the culture of fear amongst professionals that prevents people speaking out."

Charles Foster, a medical law expert at Oxford University, said existing laws allow doctors and nurses to be prosecuted for causing death by gross negligence. "The main effect of the proposed legislation is likely to be that we have a law in relation to the injury by willful neglect or ill treatment of adults," Foster said in an email.

Britain has separate laws to protect children and adults with [mental health problems](#) from [medical negligence](#), but not for adults.

The exact details of the proposed legislation that Hunt outlined regarding negligence have not been published, and there will be a public consultation before they are finalized.

Such legislation would then need to be approved by Parliament.

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