

MORE THAN DEFENCE

Medical  
Protection



# HANDLING THE MEDIA A GUIDE FOR DOCTORS



[medicalprotection.org](http://medicalprotection.org)

# CONTENTS

|  |    |
|--|----|
| <b>HOW CAN MEDICAL PROTECTION HELP YOU DEAL WITH UNWANTED MEDIA ATTENTION?</b> | 4  |
| How we can help  | 4  |
| How the media may contact you  | 4  |
| What you can do and what you need to know before responding                    | 5  |
| What happens next?   | 5  |
| Photographers and camera crews   | 6  |
| Protecting patients' privacy   | 6  |
| Being filmed and photographed  | 6  |
| Reporters at legal proceedings   | 6  |
| <b>WHAT CAN YOU SAY TO THE MEDIA?</b>  | 8  |
| Confidentiality  | 8  |
| Specific comment   | 8  |
| Involving others   | 9  |
| Medical practices and private clinics – supporting your team                   | 9  |
| Undercover journalism  | 10 |
| Social media and online discussions  | 11 |
| <b>WHAT CAN YOU DO IF IT ALL GOES WRONG?</b>                                   | 12 |
| Redress  | 12 |
| How can you seek redress?  | 12 |
| Factually incorrect articles   | 13 |
| Injunction   | 13 |
| Defamation   | 13 |
| Defamation arising from media work   | 14 |

# INTRODUCTION



**Harris Shum**  
Regional Director, Asia

Media scrutiny of you and your practice of medicine could put your personal and professional reputation at risk.

Where a media query relates to issues that fall within the scope of the benefits of membership, the Medical Protection Press Office is on hand to provide expert advice throughout the process.

We know how difficult media scrutiny can be for members and those around them, and the press office's role is to help alleviate the additional pressures from the media. Staffed by experienced communications professionals, the Press Office can liaise with reporters on your behalf, deal with enquiries, draft appropriate statements, and aim to correct any inaccuracies in the press, if necessary.

Early advice from the Press Office can help prevent issues escalating. We advise you to contact your case handler if you have received press interest about an ongoing case, or contact the Press Office directly about any other issues.

Please get in touch as soon as possible so we can help through all stages of attention.

Media advice is available 24 hours a day, seven days a week.

## CONTACT DETAILS FOR MEDIA ADVICE



+44 207 399 1400



pressoffice@medicalprotection.org, 8.30am – 5.30pm GMT.

# HOW CAN MEDICAL PROTECTION HELP YOU DEAL WITH UNWANTED MEDIA ATTENTION?

## HOW WE CAN HELP

Our assistance is tailored depending on the circumstances, but we can generally help in the following ways:

- Provide experienced and expert advice on handling all stages of media attention
- Speak to a journalist on your behalf
- Liaise with the relevant press offices involved in your case, eg, your employer's press office.
- Assist and advise your practice or clinic staff and your team
- Prepare press statements
- Monitor coverage and assist with any follow-up actions.

## HOW THE MEDIA MAY CONTACT YOU

Journalists may contact you in a variety of ways:

- By email or phone
- Through social media, eg, posting a comment or question online
- Arriving at your home or place of work
- Through colleagues, friends or family members.

## WHAT YOU CAN DO AND WHAT YOU NEED TO KNOW BEFORE RESPONDING

If you are contacted by journalists avoid responding straight away. Ask them to provide information on the exact issue on which they would like you to comment, along with their deadline. Take their contact details and say you will phone or email them back.

Unless you feel well-equipped to deal with the query yourself, we recommend you contact us for advice in the first instance and then liaise with your employer or practice.

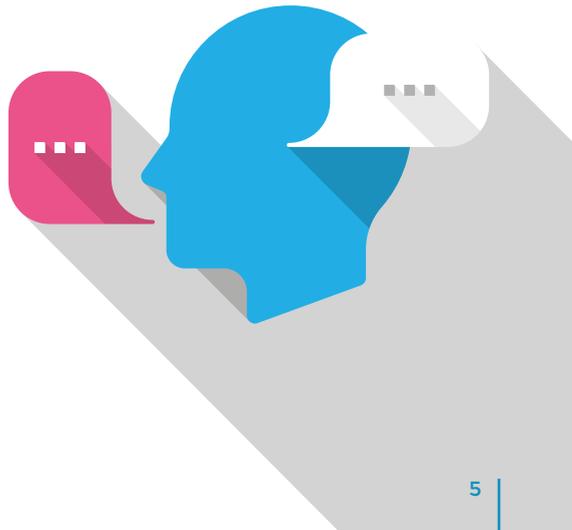
Taking advice is particularly important if the query relates to an ongoing investigation or litigation. We can advise on how you can respond without prejudicing ongoing proceedings or patient confidentiality.

## WHAT HAPPENS NEXT?

If you choose to answer the query yourself, take time to prepare your message and use plain language that cannot be misconstrued or taken out of context.

If you have sought Medical Protection's advice, we can liaise with the journalist on your behalf, agree a statement with you, if one is needed, and issue it to the journalist(s). We can also deal with any follow-up enquiries and liaise between you and the publication.

Always assume that anything you say to a journalist could be published, nothing is "off the record."



## PHOTOGRAPHERS AND CAMERA CREWS

If you are the subject of unwanted media attention, you might be confronted with a camera crew or photographer outside your home, place of work or hearing if you are facing regulatory or legal proceedings. Here is some advice on dealing with such a situation:

### Protecting patients' privacy

If photographers or camera crews appear outside your practice/clinic or hospital make sure you alert your staff or hospital management team. This way they can be prepared and take appropriate steps to make sure that patients' privacy is respected, by informing patients of the situation when they book an appointment or in person when they arrive. An appropriate staff member, such as the manager or communications lead, should also warn photographers or camera crews not to take photos of patients or their vehicles, as this could identify them as being patients at the practice

### Being filmed and photographed

If the attention of the photographer or camera crew are focused on you, try to maintain your professional composure. Any images obtained would likely be used alongside the news stories they publish, so you should make sure you convey a professional image. In this situation, you should focus on where you are going and, if possible, avoid looking directly into the camera. you should not cover your face or react angrily; but be aware that smiling may also convey the wrong message. Remember, this would be the image that is viewed by the public, so a calm, professional and dignified appearance is the most appropriate.

### Reporters at legal proceedings

Evidence presented in open court or at inquiries of deaths can be reported in the media, as can unproven allegations, unless reporting restrictions are specifically imposed. As long as the journalist reports proceedings fairly, accurately, and in context, there is not likely to be scope for redress.

When in court or at a hearing avoid discussing the case until you have the privacy of a room from which you can be sure you will not be overheard.

If approached by a journalist while the hearing is ongoing, ask them to contact the Medical Protection Press Office for assistance with their query. Your lawyer can also help manage the press in these situations.

THE MEDICAL PROTECTION PRESS OFFICE IS COMMITTED TO DELIVERING THE HIGHEST QUALITY SERVICE, AND GUIDING YOU THROUGH ALL STAGES OF MEDIA ATTENTION

### WHAT DETAILS SHOULD YOU FIND OUT?

- The journalist's name
- The name of the publication or programme
- Exactly what they are seeking comment on
- Their deadline
- Their contact details – phone numbers and email address.

### TOP TIPS



- Don't respond immediately – take time to consider your response or seek advice
- Maintain your professional composure
- Saying “no comment” sounds defensive. Ensure you come across as cooperative and inform the reporter that you will come back to them.
- Contact the Medical Protection Press Office for advice and liaise with your employer or practice where appropriate.

# WHAT CAN YOU SAY TO THE MEDIA?

## **CONFIDENTIALITY**

Doctors are expected to protect patients' confidentiality.

Breaching confidentiality, whether inadvertently or not, could lead to a complaint, disciplinary action or regulatory sanction. However, there are ways in which you can respond to media enquiries whilst protecting your confidential details.

You should not comment on the specifics of a particular case but you can explain why – because of your ongoing duty to maintain patient confidentiality, or because the case is the subject of ongoing legal proceedings.

## **SPECIFIC COMMENT**

There may be occasions where it is appropriate for you to make a specific comment. For instance, if a patient has suffered harm expressing your sympathy or regrets to the patient may be the right thing to do.

It is wise to keep statements succinct and factual; about 150 words is a general guide. Journalists often have limited space to report a story, and a lengthy statement is likely to be edited, which could distort the meaning or alter the emphasis.

Even if a patient has provided consent for you to discuss the matter in public, we would discourage you from doing this. You should consider how that might look to your other patients and your employer if you were to discuss sensitive and confidential details in the press.

## INVOLVING OTHERS

If you find yourself in a situation involving others, we recommend that you liaise with them and agree on a consistent message and approach to the media. It is advisable to warn all those concerned about the prospect of press scrutiny of their professional and personal lives. It might also be appropriate to let others close to you know in case they are approached by the media.

### The media may also contact:

- The managers of government clinics
- Employers
- Colleagues and professional partners
- Those you live with, or friends and family
- Practice or clinic staff.

## GENERAL PRACTICES AND PRIVATE CLINICS – SUPPORTING YOUR TEAM

In the event of unwanted media attention about you or your practice, you can help support your team with the following steps:

- Appoint a nominated lead in your team to be the first point of call for all media enquiries to help ensure a consistent approach
- Brief the team so they know what they can and can't say – to reporters and patients who may have seen media coverage.
- Ensure that the receptionist and person answering the phone knows there could be media calls and who to put the call through to
- Agree with relevant people who will say what and when
- Update Medical Protection, so that we can provide specific advice and monitor the situation through all stages of media attention.



## UNDERCOVER JOURNALISM

### Press

If you are the focus of an undercover investigation, for example, a journalist posing as a patient, it does not automatically release you from your duty to maintain patient confidentiality. Any response to the media should be handled in the same way as a query that arose from a genuine patient consultation.

In some cases it might be appropriate to ask the “patient” to give consent for the details of the consultation to be commented on in the media, but take advice first from Medical Protection, or others who may need to be involved, such as practice partners or your employer.



© Mamiika Gotstindzel/Stock/thinkstockphotos.co.uk



© c-photor/Stock/thinkstockphotos.co.uk



© CharlieAJA/Stock/thinkstockphotos.co.uk

## SOCIAL MEDIA AND DISCUSSION SITES

The same standards of professionalism and confidentiality apply no matter what the medium of communication. Posting inappropriate comments or photographs, or describing a patient's care on a social media site can damage your reputation and lead to disciplinary action as well as unwanted media attention.

Patients posting damaging and negative comments about you on patient feedback sites could test your professionalism. In this situation, talk to your employer, supervisor, medical school or Medical Protection to discuss the situation and the best way forward.

With the rise of social media, news stories are frequently shared and discussed online. It is important to resist responding to any content in which you are featured, as this could exacerbate matters and your comments could be reported on by the media.

**Ensure your medical team is aware of the need to protect patient confidentiality and privacy.**



oatawa @ iStockphoto/Gettyimagesplus

# WHAT CAN YOU DO IF IT ALL GOES WRONG?

## REDRESS

Journalists are trained to write their copy within the law. Some journalists may write sensationally, but most are careful to remain accurate. Careful use of language (eg “alleges”, “claims”) can imply incompetence or fault without explicitly stating it. Occasionally however, there may be cause for redress.

## HOW CAN YOU SEEK REDRESS?

The Medical Protection Press Office will offer you objective professional advice, and talk you through your options to help put the situation right, or limit the reputational damage.

In many cases there is a greater opportunity to get speedy corrections of errors in online publications if there is proof of error. Sometimes the online copy may even be removed from the site. An online copy is ‘searchable’ and may be online indefinitely, so in many ways it is more important that this copy is correct, given the longevity of the information.

Where appropriate, we can seek a printed apology and a correction. If the article has significant factual errors, depending on the context of the published errors, an article correcting the false impression given in the original can be sought.

The opportunities for printed corrections are limited due to publication timeframes. You should also bear in mind that printed corrections and apologies can also prolong media interest.



## **FACTUALLY INCORRECT ARTICLES**

The scope for factual errors in media health stories is wide. Patients can sometimes present a skewed version of events due to frustration or anger, or they might be driven by personal motivations or grievances.

Though patients can talk openly about their medical condition and treatment, doctors cannot. The Medical Protection Press Office can advise you about the best way of handling this situation.

## **INJUNCTION**

A remedy of injunction can be considered in the rare case of getting prior notice of a press release or media story that is inaccurate. If this happens it is important to act quickly and advise Medical Protection as soon as possible.

## **DEFAMATION**

Although rare, MPS may (in extenuating circumstances) be able to provide assistance in a defamation action, so long as the action arises from the member's professional practice and the case is not subject to any membership limitations (including jurisdiction restrictions and media work restrictions).

Defamation law is notoriously complex, and legal action in this area is costly and unpredictable. Legal action may also be counterproductive, and attract more attention and adverse publicity than the original article or comment.

Because of this, it will not usually be in the interests of the member or the membership funds to pursue such actions.

MPS is unlikely to provide assistance with any damages awarded in a claim in defamation against the member. This does not affect a member's right to request assistance in relation to non-claims issues arising from such activity (for example a complaint to the professional regulator).

## DEFAMATION ARISING FROM MEDIA WORK

MPS membership does not include indemnity for claims arising from material published or broadcast by members, or on their behalf, or to which they have contributed.

This does not affect a member's right to request assistance in relation to non-claims issues arising from such activity (for example a complaint to the professional regulator).

Published or broadcast includes, but is not limited to:

- television
- radio
- newspapers and magazines
- social media
- websites and blogs
- podcasts.

Members wishing to undertake such work should seek an indemnity from the broadcaster or publisher, or from their employer if speaking on their behalf.



## MORE THAN DEFENCE

## MEDICAL PROTECTION

Level 19, The Shard, 32 London Bridge Street, London SE1 9SG, UK

Victoria House, 2 Victoria Place, Leeds LS11 5AE, UK

39 George Street, Edinburgh, EH2 2HN, UK

[medicalprotection.org](http://medicalprotection.org)

## HOW TO CONTACT US

### PRESS OFFICE



+44 207 399 1400



[pressoffice@medicalprotection.org](mailto:pressoffice@medicalprotection.org)

### MEDICOLEGAL ADVICE



800 616 7055



[enquiries@medicalprotection.org](mailto:enquiries@medicalprotection.org)

If your call directly relates to a press query, please provide a brief summary of the events including dates, and ensure you have your membership details to hand.

In the interests of confidentiality please do not include information in any email that would allow a patient to be identified.

## ABOUT MEDICAL PROTECTION

Medical Protection is a trading name of The Medical Protection Society Limited (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 300,000 members around the world. Membership provides access to expert advice and support and can also provide, depending on the type of membership required, the right to request indemnity for any complaints or claims arising from professional practice.

Our in-house experts assist with the wide range of legal and ethical problems that arise from professional practice. This can include 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.