



Managing the Media

Advice correct as of October 2016

Media scrutiny of you and your practise of medicine could put your personal and professional reputation at risk. There are steps you can take to help minimise this.

Dealing with media enquiries

How the media may contact you:

- By phone
- By email
- Through social media
- By arriving on your doorstep
- By contacting friends, colleagues or family.

How to respond:

- Avoid responding straight away
- Find out the journalist's name and their contact details
- Find out the name publication/programme/website
- Find out exactly what they want a comment on and their deadline.

Contact MPS

Ask the journalist if they are able to put this information in an email, as this will help you maintain a record of the conversation. Advise them that you will contact them in due course.

We recommend you contact MPS for advice, particularly if the query relates to an ongoing investigation or litigation. We can advise on how you can respond without prejudicing proceedings or patient confidentiality. Always assume that anything said to a journalist could be published, nothing is "off the record."

By contacting MPS when you think there may be upcoming media scrutiny, or immediately after a media

query, there will be more time to prepare for media activity and build good relations with any journalists working to strict deadlines.

MPS can liaise with the journalist on your behalf, agree a statement with you, if one is needed, and issue it to the journalists.

Photographers and camera crews

If photographers or camera crews appear outside your hospital or practice make sure you alert your 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 and warning photographers to ensure patients are not identifiable.

When the photographer or camera crew are filming or taking photographs of you, maintain your composure and make sure you convey a professional image. Do not cover your face or react angrily; smiling may also convey the wrong message.

Reporters at legal proceedings

Evidence presented in open court or at inquests can be reported in the media, as can unproven allegations, unless reporting restrictions are specifically imposed. As long as the journalist reports proceedings accurately, it is unlikely there would 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, don't respond immediately – take time to consider your response and seek advice from MPS. You may also need to liaise with your employer. Avoid saying "no comment", as this may sound defensive.

What you can say to the media

It is important to be aware of the obligations that you have to your employer before becoming involved in any public debate or dialogue. Clause 40 of the MECA recognises the right of a doctor to comment publicly on matters related to their professional expertise and experience. However, when the matters are relevant to your employer you should first inform or discuss the issues with your employer.

Doctors are expected to protect patients' confidentiality. Breaking 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 without breaching patient confidentiality. You may not be able to comment about 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.

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

It is wise to keep statements succinct and factual. You should liaise with others involved, such as your employer or colleagues, to agree on the key messages. Assistance with this can be obtained via MPS or a District Health Board press officer.

Undercover journalism

If you are the target 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 MPS, or others who may need to be involved, such as your employer.

Social media and discussion sites

The Medical Council document, *Good Medical Practice*, states that when sharing information in any public forum (including, for example, chatting in a hospital cafeteria or posting to a social networking site), you must not disclose information about yourself that might undermine your relationship with patients. 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. The same standards of professionalism and confidentiality apply, no matter what the medium of communication.

Patients posting damaging and negative comments about you on patient feedback sites could test your professionalism, but you can discuss the situation with MPS and decide the best way forward.

Summary

Despite the short attention span of a public fed by the mass media, being in the spotlight can be uncomfortable, and sometimes damaging for professionals. It is important to be careful in any dealings with the media and to contact MPS for advice at a very early stage to help mitigate risks.

For more information or if you have a media enquiry

Telephone – 0800 CALL MPS (0800 2255 677)

Email – advice@mps.org.nz

For medicolegal advice please call us on:

0800 2255 677 (0800 CALL MPS)

Overseas: +64 4 909 7190

or email us at: advice@mps.org.nz

Membership enquiries

T 0800 2255 677 (0800 CALL MPS) – toll free within New Zealand

E membership@mps.org.nz

This factsheet provides only a general overview of the topic and should not be relied upon as definitive guidance. If you are an MPS member, and you are facing an ethical or legal dilemma, call and ask to speak to a medicolegal adviser, who will give you specific advice.

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