

MORE THAN DEFENCE

Medical  
Protection



# HANDLING THE MEDIA A GUIDE FOR DOCTORS



# 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
Private clinics – supporting your team	9
Undercover journalism	10
Social media and online discussions	11
Office of the Press Ombudsman and the Press Council of Ireland	12
<b>WHAT CAN YOU DO IF IT ALL GOES WRONG?</b>	13
Redress	13
How can you seek redress?	13
Misquoting	13
Factually incorrect articles	14
Defamation	14

# INTRODUCTION



## **Dr Rob Hendry**

Medical Director at Medical Protection

Media scrutiny of you and your practice of medicine can 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 you through all stages of attention.

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

## **CONTACT DETAILS FOR MEDIA ADVICE**

**T** +44 20 7399 1428 (08.30 – 17.30 GMT Monday – Friday)

+44 113 243 6436 (out of business hours)

**E** [pressoffice@medicalprotection.org](mailto:pressoffice@medicalprotection.org) (8.30 – 5.30 GMT)

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

## HOW WE CAN HELP

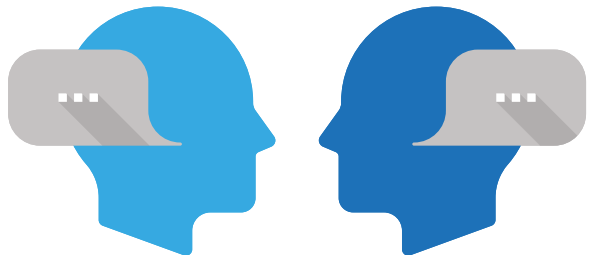
Our assistance is tailored depending on the circumstances, but we can generally help in the following ways:

- 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/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; 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.

### 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

Court proceedings and other legal processes, including Medical Council hearings, can take place in public or in private. Media may report on everything said in public hearings unless specifically prohibited by the presiding officer. As long as the journalist reports proceedings fairly, accurately and in context, there is not likely to be scope to complain about this or for redress. The media cannot publish comments that could affect how the judge decides the case.

While reporters cannot usually attend private hearings, they can still report on the case. If you are in court or at a hearing, maintain vigilance. Avoid discussing any aspect of the case until you have the privacy of a room in which you are 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 representative 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 IF YOU ARE CONTACTED?

- The journalist's name
- The name of the publication/ 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

When responding to any media request for comment, it is important to remember your duty to respect patients' rights of confidentiality, and to follow the Medical Council's Guide on Professional Conduct and Ethics: [medicalcouncil.ie/Existing-Registrants-/Professional-Conduct-and-Ethics/](https://www.medicalcouncil.ie/Existing-Registrants-/Professional-Conduct-and-Ethics/).

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 patients' 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 you are in a situation where a patient has died, expressing your condolences or regrets to the family 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. If making a comment, you should ensure liaison with any other parties involved, such as the HSE or hospital to agree on consistent key messages. The Medical Protection Press Office can assist you with this so contact them right away.

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, your employer and the Medical Council if you were to discuss your patients' 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:

- Employers
- Colleagues and professional partners
- Those you live with, or friends and family
- Clinic staff.

## PRIVATE CLINICS – SUPPORTING YOUR TEAM

In the event of unwanted media attention on you or your clinic, 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.



© Mamuka Gotsiridze/iStock/thinkstockphotos.co.uk



© c-photo/iStock/thinkstockphotos.co.uk



© CharlieAJA/iStock/thinkstockphotos.co.uk

## SOCIAL MEDIA AND ONLINE DISCUSSIONS

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.

The Medical Council's updated Guide to Professional Conduct and Ethics devotes an entire section to guidance on the use of social media. This can be accessed online at [medicalcouncil.ie/Existing-Registrants](http://medicalcouncil.ie/Existing-Registrants).

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 where you are featured, as this could exacerbate matters and your comments could be reported on by the media.

**Ensure your team is aware of the need to protect patients' confidentiality and privacy at all times, including when using social media.**



## OFFICE OF THE PRESS OMBUDSMAN AND THE PRESS COUNCIL OF IRELAND

The Office of the Press Ombudsman is an independent body that deals with complaints from members of the public about the editorial content of newspapers and magazines. All complaints are investigated under the Code of Practice for Newspapers and Periodicals.

The Code gives guidance on how news should be gathered and reported. It also provides special protection to particularly vulnerable groups of people such as children, hospital patients and those at risk of discrimination.

The Office of the Press Ombudsman will, in the first instance, attempt to resolve the matter by making direct contact with the editor of the publication concerned. It will outline the complaint to the publication and seek to resolve the matter by a conciliatory process. If this is not possible, the Press Ombudsman will examine the case and make a decision. They may then refer significant or complex cases to the Press Council of Ireland (for further information, see [pressombudsman.ie/](http://pressombudsman.ie/)).

The Office of the Press Ombudsman does not govern broadcast journalism. If you have concerns about a TV or radio programme, you can complain to the broadcaster directly. Contact Media Protection for advice if you find yourself in this situation.



© microgen/iStock/thinkstockphotos.co.uk

# 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 if it can be demonstrated that the story is factually inaccurate.

## 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.

## MISQUOTING

Your comments may be taken out of context and edited to change their original and intended meaning, to fit the news agenda of the day. If this happens, there are two possible courses of redress open to you – seek an apology and/or a correction, or report the publisher to the Press Ombudsman. In the case of TV or radio, a complaint can be made directly to the broadcaster.



## **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 grief or anger, or they might be driven by personal motivations or grievances.

The media have a duty to report factually accurate material and you should contact Medical Protection for advice if you are concerned about a report about you. In addition, if an online article has been amended for factual accuracy, it should indicate this. In the event of an apology or retraction, the original article may remain, but the publisher must indicate in a prominent manner that it has led to an apology or retraction – and should link to both the apology or retraction and the original article.

## **DEFAMATION**

Defamation is a false statement made by one individual about another in an attempt to discredit that person's character, reputation or worthiness. This statement may be spoken (slander) or written (libel).

In exceptional circumstances, Medical Protection may exercise its discretion to assist you in bringing a defamation action if the alleged defamation stems from your professional practice and your professional reputation is likely to suffer serious harm.

Before exercising its discretion to assist, Medical Protection may seek legal advice and would review your case on its merits as the law in relation to actions in defamation is complex.

# NOTES

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

## 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

**T** +44 (0) 20 7399 1428

+44 (0) 113 243 6436

(out of business hours)

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

### MEDICOLEGAL ADVICE

**T** +44 (0) 113 243 6436

**F** +44 (0) 113 241 0500

**E** [medical.edinburgh@medicalprotection.org](mailto:medical.edinburgh@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), a company limited by guarantee registered in England with company number 36142 at Level 19, The Shard, 32 London Bridge Street, London, SE1 9SG.

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 together with 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. MPS® and Medical Protection® are registered trademarks.