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67% of doctors in Scotland do not believe legal duty will improve openness

A Medical Protection Society (MPS) survey of over 290 members in Scotland reveals that 67% of respondents do not believe a duty to be open with patients will improve openness. Of the 296 doctors surveyed by MPS, 66% were not aware of the proposals for a duty of candour and 70% believe a statutory duty to admit mistakes would be difficult to enforce.¹

In response to the Scottish Government's recent consultation on a statutory duty of candour, MPS argues it will fail to provide the impetus necessary for cultural change.²

Dr Rob Hendry, Medical Director at the Medical Protection Society said:

“The risk of any legislation is creating a ‘tick-box’ mentality, which does not support the sensitive, patient-centred conversations that should happen with patients when something goes wrong.

“We need an environment where staff are trained and supported in admitting errors and learning from mistakes, and where senior clinicians lead by example. To do this alongside a statutory duty is counterproductive.

“The only way to change doctors’ reactions to incidents, from fear, to an eagerness to report, explain and learn, is through cultural change. Culture change is more difficult than passing laws, but this is what needs to happen.”

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Notes to Editors

1. MPS conducted a survey of members in Scotland to find out their views on the Government's proposals to introduce a statutory duty of candour for health and social care services. The survey was live from 17 December 2014 – 4 January 2015 and received 296 responses.
2. To read MPS's response to the Scottish Government consultation [click here](#).
3. The Medical Protection Society is the world's leading protection organisation for doctors, dentists and healthcare professionals. More than three-quarters of graduating doctors in Scotland choose MPS as their medical defence organisation.

About MPS

The Medical Protection Society is the leading provider of comprehensive professional indemnity and expert advice to doctors, dentists and health professionals around the world.

We are a mutual, not-for-profit organisation offering more than 290,000 members help with legal and ethical problems that arise from their professional practice. This includes clinical negligence claims, complaints, medical council inquiries, legal and ethical dilemmas, disciplinary procedures, inquests and fatal-accident inquiries.

We actively protect and promote the interests of members and the wider profession and we promote safer practice by running risk management and education programmes to reduce avoidable harm.

MPS is not an insurance company. The benefits of membership are discretionary - this allows us the flexibility to provide help and support even in unusual circumstances.

