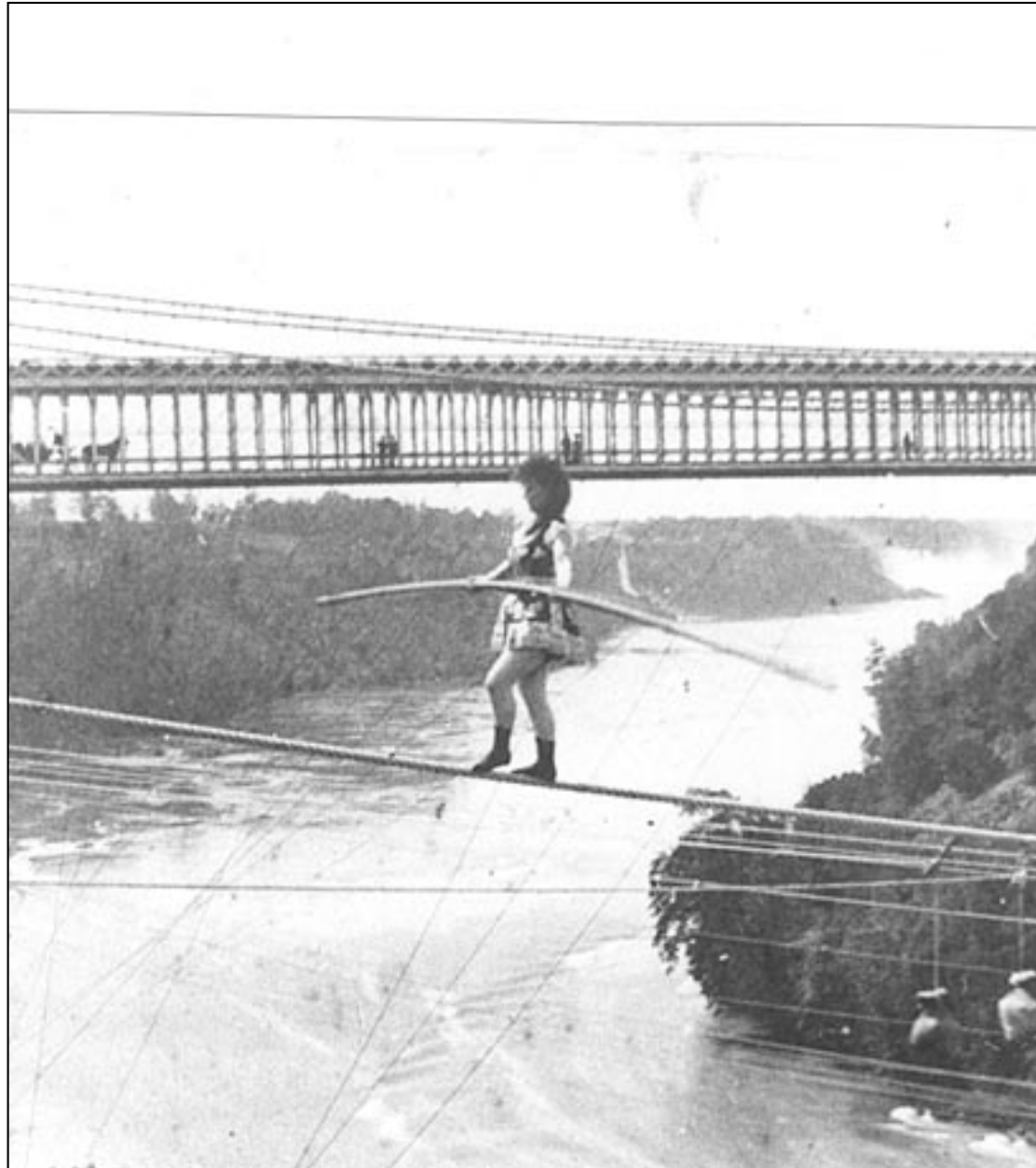


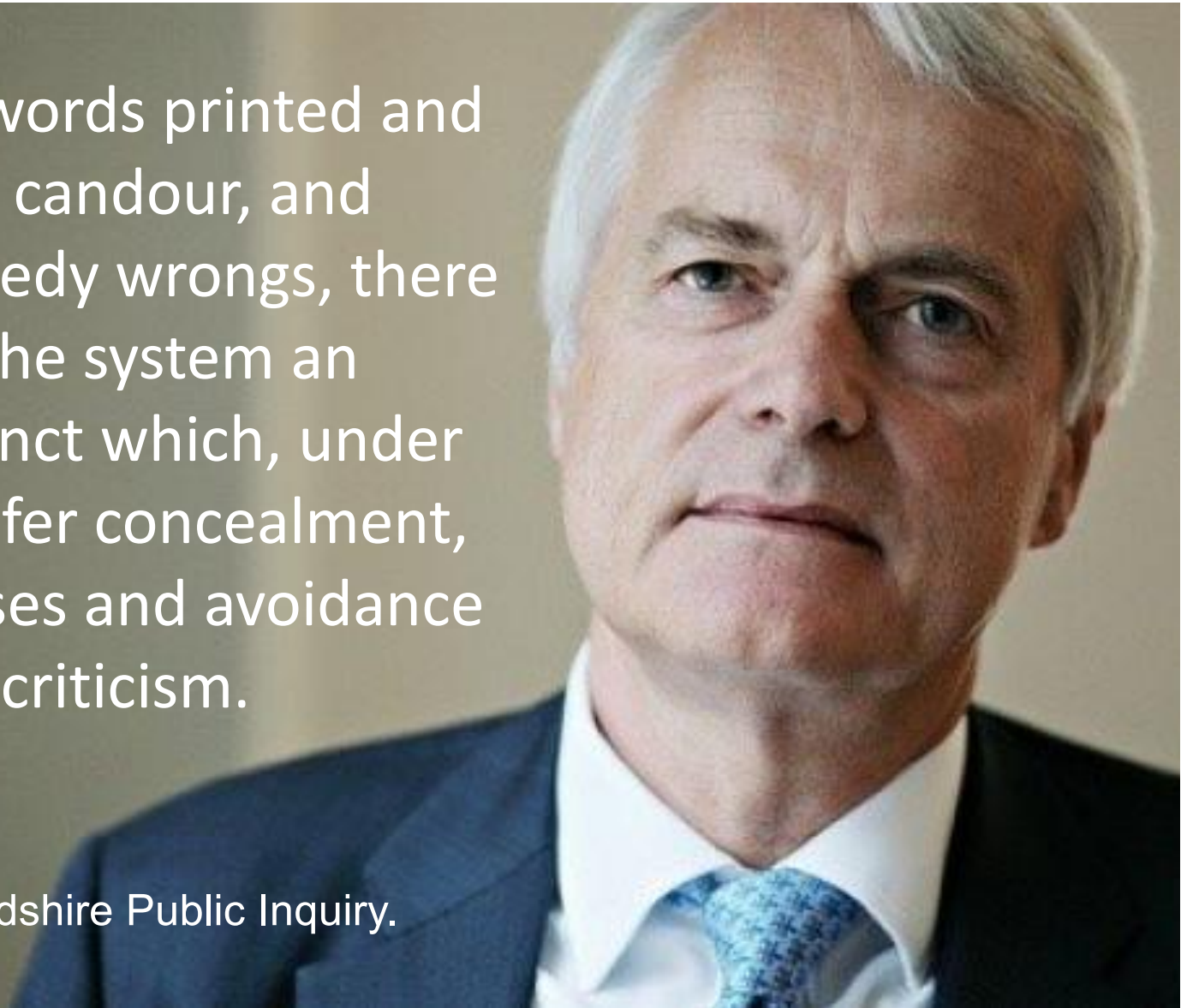
Promoting and practicing open disclosure

Gabriel Scally



... for all the fine words printed and spoken about candour, and willingness to remedy wrongs, there lurks within the system an institutional instinct which, under pressure, will prefer concealment, formulaic responses and avoidance of public criticism.

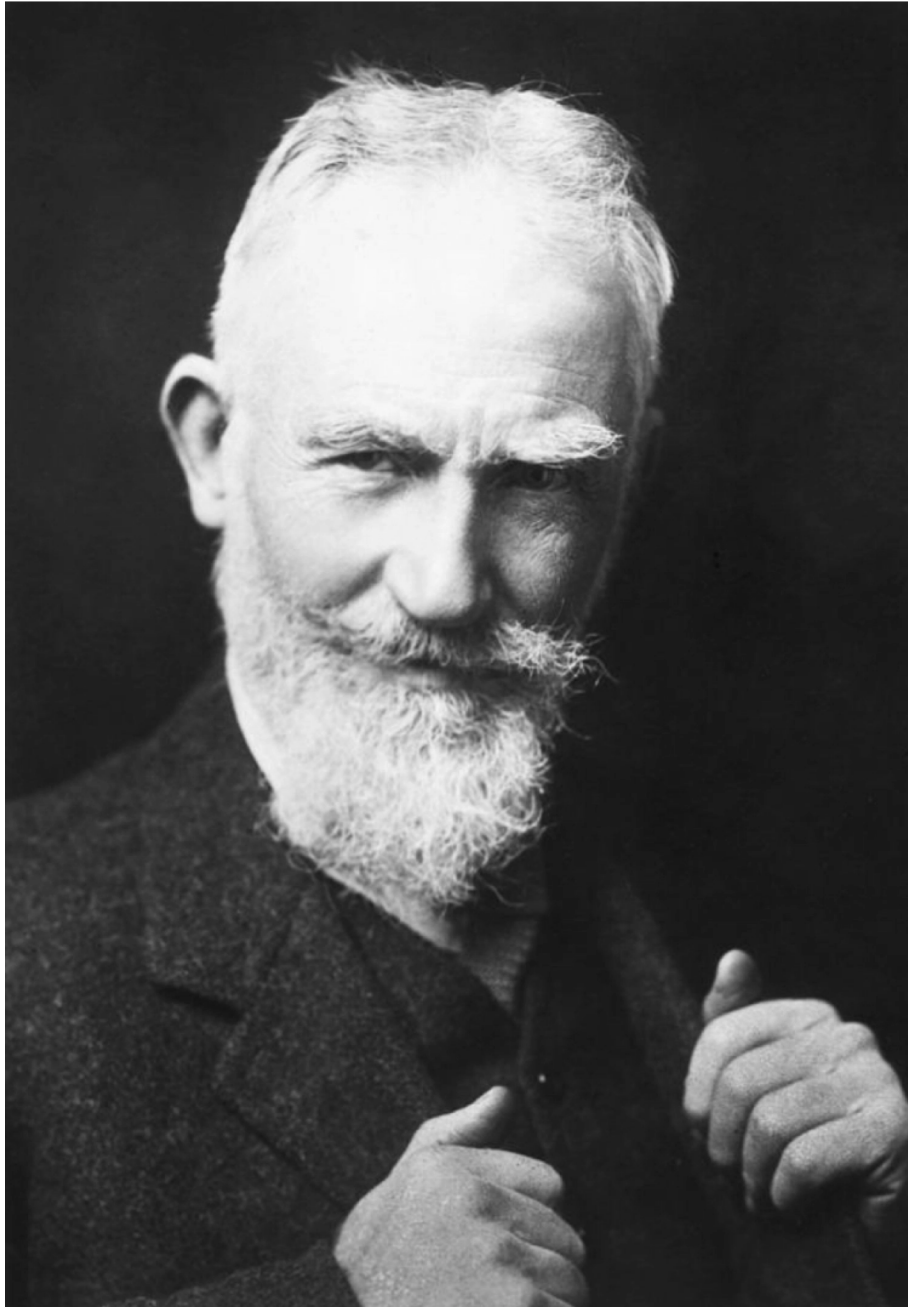
Sir Robert Francis QC
Report of the Mid Staffordshire Public Inquiry.
Vol1, p184. 2013



'the greatest amount
of good for the
greatest number'

Jeremy Bentham
1748 - 1832





Sir Patrick Cullen:

“All professions are conspiracies against the laity. And we can’t all be geniuses like you. Every fool can get ill; but every fool can’t be a good doctor: there are not enough good ones to go round.”

The Doctor’s Dilemma
GBS



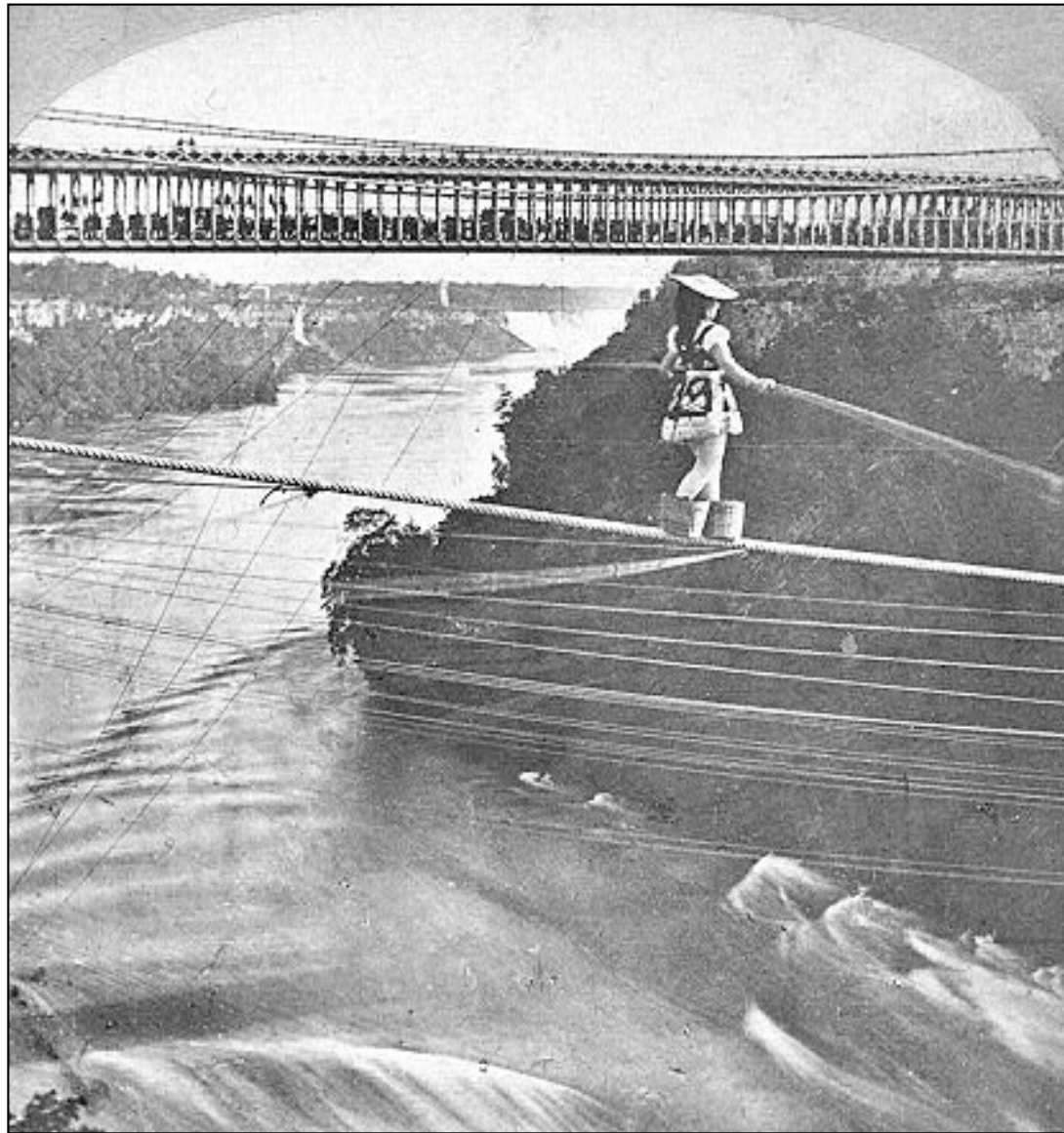


A statutory duty of candour should now be enacted in Northern Ireland so that:

- (i) Every healthcare organisation **and** everyone working for them must be open and honest in all their dealings with patients and the public.
- (ii) Where death or serious harm has been or may have been caused to a patient by an act or omission of the organisation or its staff, the patient (or duly authorised representative) should be informed of the incident and given a full and honest explanation of the circumstances.

Criminal liability should attach to breach of this duty and criminal liability should attach to obstruction of another in the performance of this duty.

(Report of the Inquiry into Hyponatraemia related Deaths 2018)



What Patients Want



- To know what went wrong, and why?
- Someone to say sorry, and mean it.
- That won't happen again – to anybody.

The Inverse Disclosure Law

The more serious the potential consequences for the patient, the less likely the patient is to be told that there has been a clinical issue with their care.



PATIENT SAFETY TOOL BOX TALKS®

SAFE CARE & SUPPORT

FALLS PREVENTION



v1.1

‘Nurse to document fall in Progress Notes &
Ward Falls Log Book’

CIS Claims resolved from 2008-2014.

- The total cost of medical legal claims increased by 221% (from €21.7m to €69.68m)
- Total awards paid out increased by 304% (from €10.99m to €44.43m)
- Legal costs for the State Claims Agency increased by 113% (from €4.3m to €9.3m)
- Legal costs for claimants during the same period increased by 169% (from €5.46m to €14.6m)
- **The average award paid out increased from €37,000 to €90,000 in the same period**
- Average legal fees for the State Claims Agency increased from €15,000 in 2008 to €28,000 in 2013, falling to €19,000 in 2014
- Average Plaintiff legal fees increased from €18,000 in 2008 to €46,000 in 2013, falling to €30,000 in 2014.

Houses of the Oireachtas, Joint Committee on Health and Children.
Report on the Cost of Medical Indemnity Insurance. June 2015



GOVERNMENT INVESTIGATION INTO SMEAR TEST SCANDAL IS A 'SHAM' SAYS CIAN O'CARROLL

By Valerie Hanley - 05/08/2018



The solicitor representing many of the women falsely given the all-clear for cervical cancer has slammed a Government investigation into the scandal as a 'sham'.

Cian O'Carroll told [Extra.ie](#) that Dr Gabriel Scally's report is going to have 'absolutely no significance on the pressing issue of the nature and the errors that are part of this scandal'.

Alternative Dispute Mechanisms: The Committee believes that a significant number of litigants are not seeking redress, but seek to understand what happened to them, and to ensure that problems do not re-occur. The Government could consider measures requiring parties to consider mediation at an early stage in the process in medical negligence cases. In line with the Ombudsman's recommendations⁸, the Health Service Executive may also need to consider how it can introduce a standardised complaints resolution service.

