



Renewed Insights into Medico-Legal Issues

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Photos by Tony Marsh (British Medical Association)

Dr Mark Porter, Chair of the BMA Council, speaking at the BMA ARM

Visiting MPS headquarters

The Medical Protection Society's (MPS) headquarters are located at 33 Cavendish Square in London. On the June morning I arrived, the widescreen television screens at the MPS HQ were showing Singapore's unprecedented haze situation on BBC News.

After I received my security pass, I embarked on a full-day programme to get a glimpse of what a typical day at the MPS HQ was like. First, I participated in a medico-legal associate (MLA) training meeting, where MLAs presented the most challenging cases they had faced that week, to compare and contrast their problem-solving styles with those of their colleagues. Some of the issues were peculiar to the UK's National Health Service (NHS), while others were similar to what doctors in Singapore face, such as patient expectations, perceptions and cultural differences secondary to the massive influx of foreigners into the UK from all over the world, including Eastern Europe and the Middle East.

Next, Dr Pallavi Bradshaw and Dr Janet Page gave a general introduction to the work of MLAs, which are distinct from that of MPS associates like myself. I also visited Dr Teoh Ming Keng's office to see the overview of MPS in our region. The session where I sat with Dr Zaid Al-Najjar for telephone consulting, using a second pair of headphones specially designed for teaching purposes, was very enlightening. The telephone consulting service can be accessed via the toll-free number on the MPS website. MPS switchboard operators log phone calls onto their computerised system so that the queue is visible live online. Dr Zaid is one of two doctors

specially assigned to handle phone calls from Singapore doctors (although he also handles phone calls from local doctors), and is thus very familiar with the situation in Singapore. For each call, Dr Zaid listened patiently and summarised the doctor's issues quickly to come up with workable solutions. It was a very intense experience to see him at work in a speedy and expeditious manner.

Lunch was another very demanding session, where a lawyer with decades of medico-legal experience went through the latest cases in the UK courts, to highlight learning points for all of us working in the medico-legal arena. Points that were touched on included:

1. The role of a case investigator. In cases where someone's professional reputation or career is at stake, a heightened standard of thoroughness is required during the investigation.¹ The investigator should focus no less on any potential evidence that may exculpate or at least point towards the innocence of the employee, as he should on the evidence directed towards proving the charges against him.
2. Whether excluding or restricting a practitioner's work scope is necessary or reasonable.²
3. Unfair dismissal secondary to quality of or breakdown in relationships with colleagues.³
4. Personal versus professional misconduct. Probity issues need to be resolved before the NHS's National Clinical Assessment Service (NCAS) can proceed. NCAS includes a full review of clinical performance, including health, behaviour and clinical skills.



A voting session at the BMA ARM



Dr Woon (third from right) with Prof Parveen Kumar (second from right) and BMA officials

After lunch, I met Kim Watson from the Communications and Press Office, and learnt that MPS helps doctors craft press statements if required. Another useful service that is funded by our MPS subscriptions includes access to confidential and independent counseling by fully qualified and trained psychologists in times of stress. In Singapore, the number to call is 1800 366 7891, while the 24 hours worldwide number is +44 1865 397 074.

I also had the opportunity to talk to Ms Terri Bonnici, a lawyer who is a general practice complaints advisor at MPS, and has extensive experience in assessing claims, determining how to proceed with cases and whether cases are worth fighting for or settling. It is heartening to know that MPS keeps a tight rein on costs and does cost-benefit analyses for all members.

Attending the BMA Annual Representative Meeting

After a restful weekend in the gorgeous city of Bath, I was off to Edinburgh to attend the British Medical Association's (BMA) Annual Representative Meeting (ARM) at the invitation of BMA Chief Executive, Mr Tony Bourne.

The night before the proceedings officially began, I attended a very moving Reflection and Thanksgiving Session, which included a reflection on health and healing from Jewish, Christian, Muslim, Sikh, Hindu, Buddhist and Humanist faith and belief perspectives. In between religious readings and prayers, musicians sang or played music for reflection. I found this session very helpful as it reminded me why we are doctors, and how we should go about our daily business while interacting with patients and their relatives as well.

The next few days were packed with activities. The BMA ARM opening address delivered by Dr Mark Porter, Chair of the BMA Council, was very rousing. (You can read his speech online at <http://goo.gl/3B2ZYT>.) A key point he made was how "autonomy has been taken away" from doctors.

The well-organised meetings were attended by

representatives from all of BMA's branches around the country, who were passionate and vocal in presenting the issues faced by the doctors in the various NHS Trusts. Many motions were voted upon enthusiastically throughout the three-day meeting, and I had the chance to see how well Chairman of the BMA Representative Body, Dr Steve Hajioff and his committee handled the logistics of the meetings so as to keep to the time allocated and achieve as many tabled agenda items as possible.

Apart from the meetings, one special highlight was an ethics drama and debate enacted by professional actors, titled "What's so special about being alive?" The performance revolved around a man learning to cope with his wife who has been in a minimally conscious state since an accident a few years prior. He is convinced that she would not want to be kept alive in that state and wanted her artificial nutrition and hydration (ANH) withdrawn. The dialogue was interspersed with short interventions from a range of experts who answered the husband's many questions about who should decide about the withdrawal of ANH and how. These experts included Prof Karl Claxton, a professor of Health Economics; Ms Laura Dunlop, a Scottish Queen's Council (QC); Prof Raanan Gillon, a philosopher, emeritus professor of Medical Ethics, and retired GP; Ms Helen Gill-Thwaites, who has considerable experience in the assessment of the vegetative state; Prof David Jones, an expert in Bioethics; Mr David Lock, an English QC; Prof David K Menon, anesthesiologist and Co-Chair of the Acute Brain Injury Programme; and Ms Beverly Taylor, a senior lawyer at the Office of the Official Solicitor and Public Trustee.

I also attended the Victor Horsley Scientific Sessions. I enjoyed two of the sessions very much and learnt a lot from the discussions. They were "Recent advances in rehabilitation from severe injuries: focus on amputees" by Prof Jai Kulkarni, a consultant in Rehabilitative Medicine; and "The secret life of the brain: breakthroughs in brain

imaging" by Prof Geraint Rees, a professor of Cognitive Neurology.

I was very pleased to meet Prof Sir Sabaratnam Arulkumaran, current BMA President, who had been an O&G Professor at National University of Singapore when I was a student there. Other inspiring role models whom I met included BMA's immediate past President, Baroness Hollins; Prof Parveen Kumar, who is the "Kumar" of the seminal medical textbook, *Kumar and Clark's Clinical Medicine* (that I read cover to cover for my medical examinations); and Dr Vivienne Nathanson, Director of Professional Activities at BMA.

I also had meaningful discussions with Dr Fiona Godlee and Mr Tim Brooks, both Directors of the BMJ Group, over dinner; as well as with Dr Tony Calland, Chairman of the BMA Ethics Committee, at a side bar between morning meetings.

I returned from my trip to the UK with renewed insights into local medico-legal issues. **SMA**

References

1. *Salford Royal NHS Foundation Trust v Roldan* [2010] EWCA Civ 522.
2. *Hussain v Surrey v Sussex Healthcare NHS Trust* [2011] EWHC Civ 1670.
3. *Perkin v St George's Healthcare NHS Trust* [2005] IRLR 934 CA and *Ezsias v North Glamorgan NHS Trust* [2011] IRLR 550.



Dr Bertha Woon is a specialist in General Surgery in Singapore. She is Director of her own private practice, Bertha Woon General and Breast Surgery, at Gleneagles Medical Centre. She is also an advocate and solicitor of the Supreme Court of Singapore. She obtained her Juris Doctor from the School of Law at Singapore Management University, and was called to the Singapore Bar in July this year. She is also an MPS associate.