



LETTERS

MANSLAUGHTER REVIEW

Narrow terms of reference mean that Jeremy Hunt's review of gross negligence manslaughter will miss the point

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In February England's health secretary announced a review into gross negligence manslaughter in healthcare.¹ This followed Hadiza Bawa-Garba's 2015 conviction on this charge and the subsequent High Court decision to strike her from the medical register.

It may come too late for Bawa-Garba, but many hoped that this review, led by Norman Williams, would tackle the alarming discordance between what we understand about patient safety science and the approach of the criminal justice system.

From construction to aviation, safety conscious industries have tried to move away from a culture of blame, in which sanctioning individuals is, wrongly, seen as a useful deterrent, and towards a "just culture," in which only reckless behaviour and wilful rule violations are punished.

Many law and ethics scholars have argued that the law of gross negligence manslaughter, or the way in which it is used, is in need of an update to reflect this. But the terms of reference² of the Williams review indicate that it will examine neither the law itself nor its use by the crown prosecution service and the courts. Instead it will consider only how government can make

sure healthcare professionals know about the law, how (if at all) openness and transparency can be preserved in the current climate, and how professional regulators should act after a conviction.

Why these narrow terms have been adopted is not clear. The department of justice has likely interfered to close down the health secretary's broader ambitions.

Missing the opportunity to review the law around gross negligence manslaughter is a great shame. Anyone with an interest in promoting patient safety should press the government to broaden the terms of the review to encompass the real issues.

Competing interests: None declared.

Full response at: <https://www.bmj.com/content/360/bmj.k592/rr-1>.

- 1 Iacobucci G. Health secretary orders review into use of medical manslaughter. *BMJ* 2018;360:k592. doi:10.1136/bmj.k592.29437662
- 2 Professor Sir Norman Williams review terms of reference. <https://www.gov.uk/government/groups/professor-sir-norman-williams-review>

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