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## Covid-19: Complaints must be viewed in context of huge staff shortages, say defence bodies

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Complaints against doctors that arise in the current climate must be viewed in the “extraordinary” context of huge numbers of staff being absent because of covid-19, medical defence experts have said.

Defence bodies said they had handled thousands of complaints against doctors since the start of the pandemic and said the current high level of staff absences in the NHS because employees are ill or isolating from covid-19 was placing the system “under severe strain” when coupled with increasing covid cases and ongoing winter pressures.

The Medical Protection Society (MPS) called for an independent expert committee to be set up to make recommendations on how patient complaints and claims against doctors can be dealt with fairly during this and future pandemics.

Rob Hendry, medical director at MPS, said, “Longer waits at emergency departments, postponed operations, and long ambulance delays may increase the prospect of a poor outcome for some patients, which will be devastating for all involved and leave doctors vulnerable to medicolegal disputes relating to situations out of their control.”

Hendry acknowledged that the government has passed legislation to clarify indemnity arrangements for clinical negligence claims and that the General Medical Council has published guidance for its staff on assessing complaints in the context of the pandemic, but said that creating an independent body to oversee complaints would offer additional protection to doctors.

“Doctors need to know that any complaints or claims in relation to treatment provided during this time will be dealt with proportionately and fairly, with the relevant authority considering the extraordinary context and circumstances,” he said.

John Holden, chief medical officer at the Medical and Dental Defence Union of Scotland, said that while it has become accepted that doctors have needed to work outside their usual specialty during the pandemic, policymakers and regulators must ensure that doctors are not left exposed.

“Doctors must have the peace of mind that they will be treated fairly in the case of a complaint or regulatory process relating to the pandemic,” he said. “We need urgent reassurance that in future the decisions doctors are making now will be viewed through the lens of their current environment.”

Hugh Stewart, professional services director at the Medical Defence Union, said the organisation was regularly receiving calls from doctors seeking advice when working in difficult circumstances caused by the pandemic.

“The pressures facing healthcare staff currently are hard to imagine,” he said. “Since the first lockdown in March 2020, we’ve supported members with more than 7500 complaints and adverse incidents. Some have the potential to become claims.

“The healthcare regulators, including the GMC, recently reiterated their reassurance to doctors that they ‘recognise the highly challenging circumstances’ currently facing doctors and will take the context into account if concerns are raised about a registrant. Often guidance advises doctors to manage as best as possible given the circumstances, while also taking steps to raise concerns about things that may put patients at risk.”