Justice Committee

Apologies (Scotland) Bill

Written submission from the Medical and Dental Defence Union of Scotland

1. MDDUS welcomes the opportunity to comment on the Apologies (Scotland) Bill and in particular to address the additional questions posed by the Finance Committee and Justice Committee. MDDUS first provided comments during the consultation on the draft proposal in 2012.

2. MDDUS is a UK wide mutual organisation offering doctors, dentists and other healthcare professionals access to expert medico and dento-legal assistance and indemnity. MDDUS has the majority of doctors and dentists in Scotland in membership.

3. MDDUS is supportive of a wider culture of openness between health professionals and their patients and advocates the role of an apology and a clear explanation when things have gone wrong or where a patient or their representative expresses dissatisfaction.

4. MDDUS is not unsupportive of the Apologies (Scotland) Bill but is not convinced that the Bill will facilitate wider cultural and social change. Since the proposal in 2012 we have seen the introduction of a Duty of Candour in England along with a proposal to introduce the same duty in Scotland. The GMC has for many years guided doctors to offer an apology to patients where appropriate and to offer an explanation where things have gone wrong. An apology is not generally considered an admission of liability and carries little weight in civil litigation proceedings.

5. It is difficult to determine if the introduction of an Apologies (Scotland) Act would see a reduction in civil litigation. If it does have this effect then clearly the financial impact on an organisation providing medical indemnity would be beneficial.

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