Medico legal committee
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**Dr Jan Wise**

**Medico legal committee**

Chair, RB, guests

The Medico legal committee works to ensure that the voice of our members is heard on all medico legal matters.

The last year has been incredibly hard for all of us. After a decade of pay erosion, pension ‘amendments’, and austerity, the ability to care for the afflicted, the sick in mind or body, the dying has been undermined. The landscape less forgiving.

On top of that a Pandemic has not only led to a never before faced workload, death at a frightening rate, it has removed your rest and recuperation. For nearly 2 years the events that gave you entertainment, the travel that was balm for the soul, the visits to parents or loved ones that were *comfort* have been absent*.*

You are human, you have finite limits. You may be near the point at which you can no longer do what you did. Just as with services where there are constraints, constraints that mean you can no longer deliver good care, just as with the advice we gave after the case of Mr David Sellu, after the case of Dr Bawa-Garba you must look after yourself. The NHS will never run out of patients, we will run out of you. Whatever the cost of an investigation, the toll is too high, the wounds take a long time to heal, if they ever do. If you think the sacrifice is worth it, please protect yourself for the sake of those who care for you.

When it is enough, accept that it is ENOUGH. You may need to walk away, to say you can no longer cope, that you need respite from the ceaseless demands. We have lost too many, too early, do not be another casualty.

Gross negligence manslaughter (GNM) remains a key part of our work over the last 4 years. At a meeting with the Head of Special Crime Division, at the Crown Prosecution Service, we were delighted to hear that there has been no noticeable increase in GNM cases in the last two years. Ms Ainsley outlined that the CPS would like to be clearer about their role and the exceptional cases they deal with, to reduce unnecessary stress on doctors. She also agreed that the CPS would speak at the MLC’s annual expert witness conference in 2022.

The committee was alarmed when it heard about an article in the Daily Mail regarding a group of 10 doctors who face being struck off for messages and pictures over WhatsApp. In a letter to the Medical Practitioners Tribunal Service, the committee referred to the right to respect for private and family life, home and correspondence and were reassured that the Article 8 rights of the European Convention on Human Rights had been respected. A connected judgment published on BAILII highlights the importance of doctors taking care in their digital communications, both in what they send, and how they respond or fail to respond, to what they receive.

The committee continues to lobby that the constraints imposed by Covid-19, on doctors, patients or the environment are factored in any decisions about prosecution. The committee recently wrote to the Director of Public Prosecutions, for clarifications about whether there was a framework that takes account of challenging and high-pressure environments. The committee has clearly stated that doctors would like all the factors relevant to the environment in which they were working, including the challenging circumstances brought about by Coronavirus to be looked at in any alleged crimes during the Covid-19 Pandemic.

The MLC has also been tasked with developing the BMA’s thinking around legislative reforms and whistleblowing ahead of events in October 2021. The committee will be meeting with Protect, the UK’s whistleblowing charity over the next few months to continue the dialogue on this complex area of work.

Finally, we continue to provide courses, training and networking opportunities to expert witnesses via our report writing and courtroom skills courses. All the courses to date this year have been fully booked and popular with members.

I want to thank all the members of the committee and staff for their hard work during the last session.