

SCTS ABM March 2008

Report: Medico-legal Advice Panel

The clinical negligence system in the UK and Republic of Ireland requires the patient to prove “negligence” in order to obtain compensation for harm / injuries received in the course of medical care. It is an adversarial process in which the patient (Claimant) puts their case and the hospital / doctor defends the care provided. This requires “experts” in that field to help the Court by giving an opinion on the standard of care which was / should have been provided..

The Society is often approached by solicitors asking for the name of a potential “expert” – interestingly the Courts have never clearly defined an “expert”. As the system can only function if surgeons are prepared to provide opinions, the Society holds a list of surgeons who have volunteered to take part. This list in no way carries any endorsement of the expert’s ability (either surgical or medico-legal) but is there to facilitate contact between solicitors and surgeons.

There is a registration form on the website for anyone interested – as the procedures involved in giving evidence are strictly laid down, it is important that anyone involved has undergone formal training in medico-legal work.

To date, 19 surgeons have registered.

Leslie Hamilton.