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[1]

Ali, N. 2007. A decade of clinical negligence in ophthalmology. BMC Ophthalmology. 7, 1 (2007). DOI:https://doi.org/10.1186/1471-2415-7-20.

[2]

Asher, E. et al. 2013. Defensive Medicine among Obstetricians and Gynecologists in Tertiary Hospitals. PLoS ONE. 8, 3 (Mar. 2013). DOI:https://doi.org/10.1371/journal.pone.0057108.

[3]

Bismark, M.M. et al. 2013. Identification of doctors at risk of recurrent complaints: a national study of healthcare complaints in Australia. BMJ Quality & Safety. 22, 7 (Jul. 2013), 532–540. DOI:https://doi.org/10.1136/bmjqs-2012-001691.

[4]

Bismark, M.M. 2006. Relationship between complaints and quality of care in New Zealand: a descriptive analysis of complainants and non-complainants following adverse events. Quality and Safety in Health Care. 15, 1 (Feb. 2006), 17–22. DOI:https://doi.org/10.1136/qshc.2005.015743.

[5]

Bjørkelo, B. 2013. Workplace bullying after whistleblowing: future research and implications. Journal of Managerial Psychology. 28, 3 (Mar. 2013), 306–323. DOI:https://doi.org/10.1108/02683941311321178.

[6]

Blenkinsopp, J. and Snowden, N. 2015. What About Leadership? Comment on 'Cultures of Silence and Cultures of Voice: The Role of Whistleblowing in Healthcare Organisations'. International Journal of Health Policy and Management. 5, 2 (Oct. 2015), 125–127. DOI:https://doi.org/10.15171/ijhpm.2015.193.

[7]

Blenkinsopp, J. and Snowden, N. 2015. What About Leadership? Comment on 'Cultures of Silence and Cultures of Voice: The Role of Whistleblowing in Healthcare Organisations'. International Journal of Health Policy and Management. 5, 2 (Oct. 2015), 125–127. DOI:https://doi.org/10.15171/ijhpm.2015.193.

[8]

Bourne, T. et al. 2015. The impact of complaints procedures on the welfare, health and clinical practise of 7926 doctors in the UK: a cross-sectional survey. BMJ Open. 5, 1 (Jan. 2015), e006687–e006687. DOI:https://doi.org/10.1136/bmjopen-2014-006687.

[9]

Brazier, M. and Miola, J. 2000. Bye-bye Bolam: a medical litigation revolution? Medical Law Review. 8, 1 (Jan. 2000), 85–114. DOI:https://doi.org/10.1093/medlaw/8.1.85.

[10]

Brennan, T.A. 2004. Incidence of adverse events and negligence in hospitalized patients: results of the Harvard Medical Practice Study I. Quality and Safety in Health Care. 13, 2 (Apr. 2004), 145–151. DOI:https://doi.org/10.1136/qshc.2002.003822.

[11]

Burrows, J. 2001. Telling Tales and Saving Lives: Whistleblowing--The Role of Professional Colleagues in Protecting Patients from Dangerous Doctors. Medical Law Review. 9, 2 (Jun. 2001), 110–129. DOI:https://doi.org/10.1093/medlaw/9.2.110.

[12]

Chacko, D. 2009. Discussion Papers in Economic and Social History: Medical Liability Litigation: An Historical Look at the Causes for its Growth in the United Kingdom.

[13]

Cheng, Y.W. et al. 2014. Litigation in obstetrics: does defensive medicine contribute to increases in cesarean delivery? The Journal of Maternal-Fetal & Neonatal Medicine. 27, 16 (Nov. 2014), 1668–1675. DOI:https://doi.org/10.3109/14767058.2013.879115.

[14]

Chiu, Y.-C. 2010. What drives patients to sue doctors? The role of cultural factors in the pursuit of malpractice claims in Taiwan. Social Science & Medicine. 71, 4 (Aug. 2010), 702–707. DOI:https://doi.org/10.1016/j.socscimed.2010.04.040.

[15]

Cleary, S.R. and Doyle, K.E. 2015. Whistleblowing Need not Occur if Internal Voices Are Heard: From Deaf Effect to Hearer Courage Comment on 'Cultures of Silence and Cultures of Voice: The Role of Whistleblowing in Healthcare Organisations'. International Journal of Health Policy and Management. 5, 1 (Sep. 2015), 59–61. DOI:https://doi.org/10.15171/ijhpm.2015.177.

[16]

Clwyd, A. and Hart, T. A Review of the NHS Hospitals Complaints System Putting Patients Back in the Picture.

[17]

Cunningham, W. and Wilson, H. 2011. Republished original viewpoint: Complaints, shame and defensive medicine. Postgraduate Medical Journal. 87, 1034 (Dec. 2011), 837–840. DOI:https://doi.org/10.1136/pgmj.2011.051722rep.

[18]

Cunningham, W. and Wilson, H. 2011. Republished original viewpoint: Complaints, shame

and defensive medicine. Postgraduate Medical Journal. 87, 1034 (Dec. 2011), 837–840. DOI:https://doi.org/10.1136/pgmj.2011.051722rep.

[19]

Durand, M.-A. et al. 2015. Can shared decision-making reduce medical malpractice litigation? A systematic review. BMC Health Services Research. 15, 1 (Dec. 2015). DOI:https://doi.org/10.1186/s12913-015-0823-2.

[20]

Fenn, P. et al. The epidemiology of error: an analysis of databases of clinical negligence litigation.

[21]

Francis, R. et al. 2013. Report of the Mid Staffordshire NHS Foundation Trust Public Inquiry: executive summary. Stationery Office.

[22]

Francis, S.R. Report: Freedom to Speak Up Review.

[23]

Friele, R.D. et al. 2013. Comparing the outcome of two different procedures to handle complaints from a patient's perspective. Journal of Forensic and Legal Medicine. 20, 4 (May 2013), 290–295. DOI:https://doi.org/10.1016/j.jflm.2012.11.001.

[24]

Friele, R.D. et al. 2015. Complaint handling in healthcare: expectation gaps between physicians and the public; results of a survey study. BMC Research Notes. 8, 1 (Dec. 2015). DOI:https://doi.org/10.1186/s13104-015-1479-z.

[25]

Goldsmith, P. et al. 2015. Do clinical incidents, complaints and medicolegal claims overlap? International Journal of Health Care Quality Assurance. 28, 8 (Oct. 2015), 864–871. DOI:https://doi.org/10.1108/IJHCQA-06-2015-0081.

[26]

Greaves, F. et al. 2013. Harnessing the cloud of patient experience: using social media to detect poor quality healthcare. BMJ Quality & Safety. 22, 3 (Mar. 2013), 251–255. DOI:https://doi.org/10.1136/bmjqs-2012-001527.

[27]

Hamasaki, T. and Hagihara, A. 2015. A comparison of medical litigation filed against obstetrics and gynecology, internal medicine, and surgery departments. BMC Medical Ethics. 16, 1 (Dec. 2015). DOI:https://doi.org/10.1186/s12910-015-0065-1.

[28]

Hamasaki, T. and Hagihara, A. 2011. Physicians' explanatory behaviours and legal liability in decided medical malpractice litigation cases in Japan. BMC Medical Ethics. 12, 1 (2011). DOI:https://doi.org/10.1186/1472-6939-12-7.

[29]

Jackson, D. et al. 2014. Whistleblowing: An integrative literature review of data-based studies involving nurses. Contemporary Nurse. 48, 2 (Oct. 2014), 240–252. DOI:https://doi.org/10.1080/10376178.2014.11081946.

[30]

Jones, A. and Kelly, D. 2014. Whistle-blowing and workplace culture in older peoples' care: qualitative insights from the healthcare and social care workforce. Sociology of Health & Illness. 36, 7 (Sep. 2014), 986–1002. DOI:https://doi.org/10.1111/1467-9566.12137.

[31]

Kelly, D. and Jones, A. 2013. When care is needed: the role of whistleblowing in promoting best standards from an individual and organizational perspective. Quality in Ageing and Older Adults. 14, 3 (Sep. 2013), 180–191. DOI:https://doi.org/10.1108/QAOA-05-2013-0010.

[32]

Kohanim, S. et al. 2016. Unsolicited Patient Complaints in Ophthalmology. Ophthalmology. 123, 2 (Feb. 2016), 234–241. DOI:https://doi.org/10.1016/j.ophtha.2015.10.010.

[33]

Kroening, H.L. et al. Patient complaints as predictors of patient safety incidents. Patient Experience Journal. 2, 1, 94–101.

[34]

Levinson, W. 1994. Physician-Patient Communication. JAMA. 272, 20 (Nov. 1994). DOI:https://doi.org/10.1001/jama.1994.03520200075039.

[35]

Lisa M. Reisch 2015. Medical Malpractice Concerns and Defensive Medicine. American Journal of Clinical Pathology. 144, 6 (2015), 916–922. DOI:https://doi.org/10.1309/AJCP80LYIMOOUJIF.

[36]

Mannion, R. and Davies, H.T. 2015. Cultures of Silence and Cultures of Voice: The Role of Whistleblowing in Healthcare Organisations. International Journal of Health Policy and Management. 4, 8 (Jun. 2015), 503–505. DOI:https://doi.org/10.15171/ijhpm.2015.120.

[37]

Markides, G.A. and Newman, C.M. 2014. Medical malpractice claims in relation to colorectal malignancy in the National Health Service. Colorectal Disease. 16, 1 (Jan. 2014), 48–56. DOI:https://doi.org/10.1111/codi.12408.

[38]

Marsh, H. 2014. Do no harm: stories of life, death and brain surgery. Phoenix.

[39]

Marsh, H. 2014. Infarct. Do no harm: stories of life, death and brain surgery. Phoenix. 154–164.

[40]

Mathew, R.G. et al. 2013. Clinical Negligence in Ophthalmology: Fifteen Years of National Health Service Litigation Authority Data. Ophthalmology. 120, 4 (Apr. 2013), 859–864. DOI:https://doi.org/10.1016/j.ophtha.2012.01.009.

[41]

McCool, W.F. et al. 2015. Closed Claims Analysis of Medical Malpractice Lawsuits Involving Midwives: Lessons Learned Regarding Safe Practices and the Avoidance of Litigation. Journal of Midwifery & Women's Health. 60, 4 (Jul. 2015), 437–444. DOI:https://doi.org/10.1111/jmwh.12310.

[42]

Morgan, J.L. and Vijh, R. 2013. Trends in malpractice litigation in relation to the delivery of breast care in the National Health Service. The Breast. 22, 5 (Oct. 2013), 964–967. DOI:https://doi.org/10.1016/j.breast.2013.05.004.

[43]

Mulheron, R. 2010. TRUMPING BOLAM: A CRITICAL LEGAL ANALYSIS OF BOLITHO'S "GLOSS". The Cambridge Law Journal. 69, 03 (Nov. 2010), 609–638. DOI:https://doi.org/10.1017/S0008197310000826.

[44]

Nash, L. et al. 2004. The psychological impact of complaints and negligence suits on doctors. Australasian Psychiatry. 12, 3 (Jan. 2004), 278–281. DOI:https://doi.org/10.1080/j.1039-8562.2004.02079.x.

[45]

Ortashi, O. et al. 2013. The practice of defensive medicine among hospital doctors in the United Kingdom. BMC Medical Ethics. 14, 1 (2013). DOI:https://doi.org/10.1186/1472-6939-14-42.

[46]

Pegalis, S.E. and Bal, B.S. 2012. Closed Medical Negligence Claims Can Drive Patient Safety and Reduce Litigation. Clinical Orthopaedics and Related Research®. 470, 5 (May 2012), 1398–1404. DOI:https://doi.org/10.1007/s11999-012-2308-5.

[47]

Purushothaman, H.N. et al. 2012. Medico-legal issues in breast imaging. Clinical Radiology. 67, 7 (Jul. 2012), 638–642. DOI:https://doi.org/10.1016/j.crad.2011.08.027.

[48]

Raine, J.E. 2011. An analysis of successful litigation claims in children in England. Archives of Disease in Childhood. 96, 9 (Sep. 2011), 838–840. DOI:https://doi.org/10.1136/adc.2011.212555.

[49]

Reader, T.W. et al. 2014. Patient complaints in healthcare systems: a systematic review and coding taxonomy. BMJ Quality & Safety. 23, 8 (Aug. 2014), 678–689. DOI:https://doi.org/10.1136/bmjqs-2013-002437.

[50]

Robertson, J.H. and Thomson, A.M. 2016. An exploration of the effects of clinical negligence litigation on the practice of midwives in England: A phenomenological study. Midwifery. 33, (Feb. 2016), 55–63. DOI:https://doi.org/10.1016/j.midw.2015.10.005.

[51]

Roter, D. 2006. The Patient-Physician Relationship and its Implications for Malpractice Litigation. Journal of Health Care Law and Policy. 9, 2 (2006), 304–313.

[52]

Samanta, A. et al. 2006. THE ROLE OF CLINICAL GUIDELINES IN MEDICAL NEGLIGENCE LITIGATION: A SHIFT FROM THE BOLAM STANDARD? Medical Law Review. 14, 3 (Sep. 2006), 321–366. DOI:https://doi.org/10.1093/medlaw/fwl010.

[53]

Vaughan, J. 2016. Gross negligence manslaughter and the healthcare professional. The Bulletin of the Royal College of Surgeons of England. 98, 2 (Feb. 2016), 60–62. DOI:https://doi.org/10.1308/rcsbull.2016.60.

[54]

Vincent, C. et al. Learning from litigation: an analysis of claims for clinical negligence.

[55]

Vincent, C. et al. 2006. Learning from litigation. The role of claims analysis in patient safety. Journal of Evaluation in Clinical Practice. 12, 6 (Dec. 2006), 665–674. DOI:https://doi.org/10.1111/j.1365-2753.2006.00634.x.

[56]

Vincent, C. et al. 1994. Why do people sue doctors? A study of patients and relatives taking legal action. The Lancet. 343, 8913 (Jun. 1994), 1609–1613. DOI:https://doi.org/10.1016/S0140-6736(94)93062-7.

[57]

Wallace, E. et al. 2013. The epidemiology of malpractice claims in primary care: a systematic review. BMJ Open. 3, 7 (Jul. 2013), e002929–e002929. DOI:https://doi.org/10.1136/bmjopen-2013-002929.

[58]

Wessel, M. et al. 2012. The tip of an iceberg? A cross-sectional study of the general

public's experiences of reporting healthcare complaints in Stockholm, Sweden. BMJ Open. 2, 1 (Jan. 2012), e000489-e000489. DOI:https://doi.org/10.1136/bmjopen-2011-000489.

[59]

White, V. et al. 2015. Litigation claims relating to venous thromboembolism in the NHS. Phlebology: The Journal of Venous Disease. 30, 6 (Jul. 2015), 389–396. DOI:https://doi.org/10.1177/0268355514537487.

[60]

Wofford, Marcia M. MD Patient Complaints about Physician Behaviors: A Qualitative Study. Academic Medicine. 79, 2, 134–138.

[61]

2004. AB and others v Leeds Teaching Hospital NHS Trust and another. 77, (2004).

[62]

2007. Bailey v Ministry of Defence and another. All England Reporter. (2007).

[63]

1957. BOLAM v. FRIERN HOSPITAL MANAGEMENT COMMITTEE . Weekly Law Reports (ICLR). 1, (1957).

[64]

1957. Bolam v Friern Hospital Management Committee. All England Law Reports. 2, (1957).

[65]

1997. BOLITHO APPELLANT AND CITY AND HACKNEY HEALTH AUTHORITY RESPONDENTS. ICLR: Appeal Cases. (1997).

[66]

2004. Chester v Afshar. All England Law Reports. 4, (2004).

[67]

2015. Data on Written Complaints in the NHS 2014-15.

[68]

Freedom to Speak Up: An independent review into creating an open and honest reporting culture in the NHS - Executive Summary.

[69]

2007. Gouldsmith v Mid Staffordshire General Hospitals NHS Trust. All England Reporter. (2007).

[70]

2002. Gregg v Scott. 71, (2002).

[71]

1987. HOTSON RESPONDENT AND EAST BERKSHIRE AREA HEALTH AUTHORITY APPELLANTS. ICLR: Appeal Cases. (1987).

[72]

2014. My expectations for raising concerns and complaints.

[73]

Patient Association Peer Review Panels: Good Practice standards for NHS Complaints Handling.

[74]

1999. Penney and others v East Kent Health Authority. 55, (1999).

[75]

Principles of Good Complaint Handling.

[76]

Raising Concerns at Work - Whistleblowing Guidance for Workers and Employers in Health and Social Care.

[77]

2010. Speak up for a healthy NHS: How to implement and review whistleblowing arrangements in your organisation. The Social Partnership Forum.

[78]

Ten Years of Maternity Claims - News Release.

[79]

1988. Wilsher v Essex Area Health Authority. All England Law Reports. 1, (1988).