

CHMEGH18: Litigation, Complaints & Concerns: Raising Clinical Standards

[View Online](#)

'AB and others v Leeds Teaching Hospital NHS Trust and another' (2004), 77. Available at: <http://www.lexisnexis.com/uk/legal/docview/getDocForCuiReq?Ini=4FNG-MXN0-TWW8-X01J&csi=280209&oc=00240&perma=true&elb=t>.

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

Asher, E. et al. (2013) 'Defensive Medicine among Obstetricians and Gynecologists in Tertiary Hospitals', *PLoS ONE*, 8(3). Available at: <https://doi.org/10.1371/journal.pone.0057108>.

'Bailey v Ministry of Defence and another' (2007) *All England Reporter* [Preprint]. Available at: <http://www.lexisnexis.com/uk/legal/docview/getDocForCuiReq?Ini=4R9H-64D0-TWP1-70VS&csi=274665&oc=00240&perma=true&elb=t>.

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), pp. 17–22. Available at: <https://doi.org/10.1136/qshc.2005.015743>.

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), pp. 532–540. Available at: <https://doi.org/10.1136/bmjqs-2012-001691>.

Bjørkelo, B. (2013) 'Workplace bullying after whistleblowing: future research and implications', *Journal of Managerial Psychology*, 28(3), pp. 306–323. Available at: <https://doi.org/10.1108/02683941311321178>.

Blenkinsopp, J. and Snowden, N. (2015a) '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), pp. 125–127. Available at: <https://doi.org/10.15171/ijhpm.2015.193>.

Blenkinsopp, J. and Snowden, N. (2015b) '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), pp. 125–127. Available at: <https://doi.org/10.15171/ijhpm.2015.193>.

'BOLAM v. FRIERN HOSPITAL MANAGEMENT COMMITTEE .' (1957) *Weekly Law Reports*

(ICLR), 1. Available at:

<http://www.lexisnexis.com/uk/legal/docview/getDocForCuiReq?Ini=5FJH-TCR1-F00Y-N14Y&csi=417192&oc=00240&perma=true&elb=t>.

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

Available at:

<http://www.lexisnexis.com/uk/legal/docview/getDocForCuiReq?Ini=4CRN-PP50-TWP1-60FY&csi=274668&oc=00240&perma=true&elb=t>.

'BOLITHO APPELLANT AND CITY AND HACKNEY HEALTH AUTHORITY RESPONDENTS' (1997) ICLR: Appeal Cases [Preprint]. Available at:

<http://www.lexisnexis.com/uk/legal/docview/getDocForCuiReq?Ini=4K4W-PD40-TXD8-600Y&csi=296986&oc=00240&perma=true&elb=t>.

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), pp. e006687–e006687. Available at: <https://doi.org/10.1136/bmjopen-2014-006687>.

Brazier, M. and Miola, J. (2000) 'Bye-bye Bolam: a medical litigation revolution?', *Medical Law Review*, 8(1), pp. 85–114. Available at: <https://doi.org/10.1093/medlaw/8.1.85>.

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), pp. 145–151. Available at: <https://doi.org/10.1136/qshc.2002.003822>.

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), pp. 110–129. Available at: <https://doi.org/10.1093/medlaw/9.2.110>.

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'. Available at: <http://www.nuff.ox.ac.uk/economics/history/Paper77/77chacko.pdf>.

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), pp. 1668–1675. Available at: <https://doi.org/10.3109/14767058.2013.879115>.

'Chester v Afshar' (2004) All England Law Reports, 4. Available at:

<http://www.lexisnexis.com/uk/legal/docview/getDocForCuiReq?Ini=4DS2-FHW0-TWP1-601T&csi=274668&oc=00240&perma=true&elb=t>.

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), pp. 702–707. Available at: <https://doi.org/10.1016/j.socscimed.2010.04.040>.

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), pp. 59–61. Available at: <https://doi.org/10.15171/ijhpm.2015.177>.

Clwyd, A. and Hart, T. (no date) 'A Review of the NHS Hospitals Complaints System Putting Patients Back in the Picture'. Available at:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/255615/NHS_complaints_accessible.pdf.

Cunningham, W. and Wilson, H. (2011a) 'Republished original viewpoint: Complaints, shame and defensive medicine', *Postgraduate Medical Journal*, 87(1034), pp. 837-840. Available at: <https://doi.org/10.1136/pgmj.2011.051722rep>.

Cunningham, W. and Wilson, H. (2011b) 'Republished original viewpoint: Complaints, shame and defensive medicine', *Postgraduate Medical Journal*, 87(1034), pp. 837-840. Available at: <https://doi.org/10.1136/pgmj.2011.051722rep>.

'Data on Written Complaints in the NHS 2014-15' (2015). Available at:
<http://www.hscic.gov.uk/catalogue/PUB18021/data-writ-comp-nhs-2014-2015-rep.pdf>.

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

Fenn, P. et al. (no date) 'The epidemiology of error: an analysis of databases of clinical negligence litigation'. Available at:
https://www.researchgate.net/profile/Charles_Vincent3/publication/237252669_The_Epidemiology_of_Error_An_Analysis_of_Databases_of_Clinical_Negligence_Litigation/links/53f7bec00cf24ddba7db2591.pdf.

Francis, R., Mid Staffordshire NHS Foundation Trust Public Inquiry (Great Britain), and Great Britain. Parliament. House of Commons (2013) Report of the Mid Staffordshire NHS Foundation Trust Public Inquiry: executive summary. London: Stationery Office. Available at:
<http://webarchive.nationalarchives.gov.uk/20150407084003/http://www.midstaffspublicinquiry.com/sites/default/files/report/Executive%20summary.pdf>.

Francis, S.R. (no date) 'Report: Freedom to Speak Up Review'. Available at:
<http://webarchive.nationalarchives.gov.uk/20150218150343/http://freedomtospeakup.org.uk/the-report/>.

'Freedom to Speak Up: An independent review into creating an open and honest reporting culture in the NHS - Executive Summary' (no date). Available at:
http://webarchive.nationalarchives.gov.uk/20150218150343/https://freedomtospeakup.org.uk/wp-content/uploads/2014/07/F2SU_Executive-summary.pdf.

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), pp. 290-295. Available at: <https://doi.org/10.1016/j.jflm.2012.11.001>.

Friele, R.D., Reitsma, P.M. and de Jong, J.D. (2015) 'Complaint handling in healthcare: expectation gaps between physicians and the public; results of a survey study', *BMC Research Notes*, 8(1). Available at: <https://doi.org/10.1186/s13104-015-1479-z>.

Goldsmith, P. et al. (2015) 'Do clinical incidents, complaints and medicolegal claims

overlap?', *International Journal of Health Care Quality Assurance*, 28(8), pp. 864–871. Available at: <https://doi.org/10.1108/IJHCQA-06-2015-0081>.

'Gouldsmith v Mid Staffordshire General Hospitals NHS Trust' (2007) *All England Reporter* [Preprint]. Available at: <http://www.lexisnexis.com/uk/legal/docview/getDocForCuiReq?Ini=4SPK-6KK0-TWP1-71KH&csi=274665&oc=00240&perma=true&elb=t>.

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

'Gregg v Scott' (2002), 71. Available at: <http://www.lexisnexis.com/uk/legal/docview/getDocForCuiReq?Ini=4FNG-MXN0-TWW8-X0FB&csi=280209&oc=00240&perma=true&elb=t>.

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). Available at: <https://doi.org/10.1186/1472-6939-12-7>.

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). Available at: <https://doi.org/10.1186/s12910-015-0065-1>.

'HOTSON RESPONDENT AND EAST BERKSHIRE AREA HEALTH AUTHORITY APPELLANTS' (1987) *ICLR: Appeal Cases* [Preprint]. Available at: <http://www.lexisnexis.com/uk/legal/docview/getDocForCuiReq?Ini=4K4W-PD40-TXD8-60CB&csi=296986&oc=00240&perma=true&elb=t>.

Jackson, D. et al. (2014) 'Whistleblowing: An integrative literature review of data-based studies involving nurses', *Contemporary Nurse*, 48(2), pp. 240–252. Available at: <https://doi.org/10.1080/10376178.2014.11081946>.

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), pp. 986–1002. Available at: <https://doi.org/10.1111/1467-9566.12137>.

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), pp. 180–191. Available at: <https://doi.org/10.1108/QAOA-05-2013-0010>.

Kohanim, S. et al. (2016) 'Unsolicited Patient Complaints in Ophthalmology', *Ophthalmology*, 123(2), pp. 234–241. Available at: <https://doi.org/10.1016/j.ophtha.2015.10.010>.

Kroening, H.L. et al. (no date) 'Patient complaints as predictors of patient safety incidents', *Patient Experience Journal*, 2(1), pp. 94–101. Available at: <http://pxjournal.org/journal/vol2/iss1/14>.

Levinson, W. (1994) 'Physician-Patient Communication', *JAMA*, 272(20). Available at: <https://doi.org/10.1001/jama.1994.03520200075039>.

Lisa M. Reisch (2015) 'Medical Malpractice Concerns and Defensive Medicine', *American Journal of Clinical Pathology*, 144(6), pp. 916–922. Available at: <https://doi.org/10.1309/AJCP80LYIMOOUJIF>.

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), pp. 503–505. Available at: <https://doi.org/10.15171/ijhpm.2015.120>.

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), pp. 48–56. Available at: <https://doi.org/10.1111/codi.12408>.

Marsh, Henry (2014) *Do no harm: stories of life, death and brain surgery*. London: Phoenix.

Marsh, H. (2014) 'Infarct', in *Do no harm: stories of life, death and brain surgery*. London: Phoenix, pp. 154–164. Available at: <https://contentstore.cla.co.uk//secure/link?id=9bc12e07-8036-e711-80c9-005056af4099>.

Mathew, R.G., Ferguson, V. and Hingorani, M. (2013) 'Clinical Negligence in Ophthalmology: Fifteen Years of National Health Service Litigation Authority Data', *Ophthalmology*, 120(4), pp. 859–864. Available at: <https://doi.org/10.1016/j.ophtha.2012.01.009>.

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), pp. 437–444. Available at: <https://doi.org/10.1111/jmwh.12310>.

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), pp. 964–967. Available at: <https://doi.org/10.1016/j.breast.2013.05.004>.

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

'My expectations for raising concerns and complaints' (2014). Available at: http://www.ombudsman.org.uk/__data/assets/pdf_file/0007/28816/Vision_report.pdf.

Nash, L., Tennant, C. and Walton, M. (2004) 'The psychological impact of complaints and negligence suits on doctors', *Australasian Psychiatry*, 12(3), pp. 278–281. Available at: <https://doi.org/10.1080/j.1039-8562.2004.02079.x>.

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

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

Handling' (no date). Available at:

<http://www.patients-association.org.uk/wp-content/uploads/2014/06/Good-Practice-standards-for-NHS-Complaints-HandlingSept-2013.pdf>.

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), pp. 1398–1404. Available at: <https://doi.org/10.1007/s11999-012-2308-5>.

'Penney and others v East Kent Health Authority' (1999), 55. Available at:

<http://www.lexisnexis.com/uk/legal/docview/getDocForCuiReq?Ini=4FNG-MXM0-TWW8-X0YN&csi=280209&oc=00240&perma=true&elb=t>.

'Principles of Good Complaint Handling' (no date). Available at:

http://www.ombudsman.org.uk/_data/assets/pdf_file/0005/1040/0188-Principles-of-Good-Complaint-Handling-bookletweb.pdf.

Purushothaman, H.N., Wilson, R. and Michell, M.J. (2012) 'Medico-legal issues in breast imaging', *Clinical Radiology*, 67(7), pp. 638–642. Available at: <https://doi.org/10.1016/j.crad.2011.08.027>.

Raine, J.E. (2011) 'An analysis of successful litigation claims in children in England', *Archives of Disease in Childhood*, 96(9), pp. 838–840. Available at: <https://doi.org/10.1136/adc.2011.212555>.

'Raising Concerns at Work - Whistleblowing Guidance for Workers and Employers in Health and Social Care' (no date). Available at:

<http://wbhelpline.org.uk/wp-content/uploads/2014/04/Raising-Concerns-at-Work.pdf>.

Reader, T.W., Gillespie, A. and Roberts, J. (2014) 'Patient complaints in healthcare systems: a systematic review and coding taxonomy', *BMJ Quality & Safety*, 23(8), pp. 678–689. Available at: <https://doi.org/10.1136/bmjqs-2013-002437>.

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, pp. 55–63. Available at: <https://doi.org/10.1016/j.midw.2015.10.005>.

Roter, D. (2006) 'The Patient-Physician Relationship and its Implications for Malpractice Litigation', *Journal of Health Care Law and Policy*, 9(2), pp. 304–313. Available at: <http://digitalcommons.law.umaryland.edu/jhclp/vol9/iss2/7/>.

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), pp. 321–366. Available at: <https://doi.org/10.1093/medlaw/fwl010>.

'Speak up for a healthy NHS: How to implement and review whistleblowing arrangements in your organisation' (2010). The Social Partnership Forum. Available at: <http://www.pcaw.org.uk/files/SpeakupNHS.pdf>.

'Ten Years of Maternity Claims - News Release' (no date). Available at:

<http://www.nhs.uk/safety/Documents/Ten%20Years%20of%20Maternity%20Claims%20-%20News%20Release%20-%20October%202012.pdf>.

Vaughan, J. (2016) 'Gross negligence manslaughter and the healthcare professional', *The Bulletin of the Royal College of Surgeons of England*, 98(2), pp. 60–62. Available at: <https://doi.org/10.1308/rcsbull.2016.60>.

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

Vincent, C. et al. (no date) 'Learning from litigation: an analysis of claims for clinical negligence'. Available at: <http://www.birmingham.ac.uk/Documents/college-mds/haps/projects/cfhhep/psrp/finalreports/PS006FinalReportVol2Walshe.pdf>.

Vincent, C., Phillips, A. and Young, M. (1994) 'Why do people sue doctors? A study of patients and relatives taking legal action', *The Lancet*, 343(8913), pp. 1609–1613. Available at: [https://doi.org/10.1016/S0140-6736\(94\)93062-7](https://doi.org/10.1016/S0140-6736(94)93062-7).

Wallace, E. et al. (2013) 'The epidemiology of malpractice claims in primary care: a systematic review', *BMJ Open*, 3(7), pp. e002929–e002929. Available at: <https://doi.org/10.1136/bmjopen-2013-002929>.

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), pp. e000489–e000489. Available at: <https://doi.org/10.1136/bmjopen-2011-000489>.
White, V., Nath, A. and Stansby, G. (2015) 'Litigation claims relating to venous thromboembolism in the NHS', *Phlebology: The Journal of Venous Disease*, 30(6), pp. 389–396. Available at: <https://doi.org/10.1177/0268355514537487>.

'Wilsher v Essex Area Health Authority' (1988) *All England Law Reports*, 1. Available at: <http://www.lexisnexis.com/uk/legal/docview/getDocForCuiReq?Ini=4CSP-49F0-TWP1-60WD&csi=274668&oc=00240&perma=true&elb=t>.

Wofford, Marcia M. MD (no date) 'Patient Complaints about Physician Behaviors: A Qualitative Study', *Academic Medicine*, 79(2), pp. 134–138. Available at: <http://ovidsp.ovid.com/ovidweb.cgi?T=JS&CSC=Y&NEWS=N&PAGE=fulltext&AN00001888-200402000-00008&LSLINK=80&D=ovft>.