

## CHMEGH18: Litigation, Complaints & Concerns: Raising Clinical Standards

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

Ali, Nadeem. 'A Decade of Clinical Negligence in Ophthalmology'. BMC Ophthalmology 7.1 (2007): n. pag. Web.

Asher, Elad et al. 'Defensive Medicine among Obstetricians and Gynecologists in Tertiary Hospitals'. PLoS ONE 8.3 (2013): n. pag. Web.

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

Bismark, M. M. et al. 'Identification of Doctors at Risk of Recurrent Complaints: A National Study of Healthcare Complaints in Australia'. BMJ Quality & Safety 22.7 (2013): 532-540. Web.

Bismark, M M. '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 (2006): 17-22. Web.

Bjørkelo, Brita. 'Workplace Bullying after Whistleblowing: Future Research and Implications'. Journal of Managerial Psychology 28.3 (2013): 306-323. Web.

Blenkinsopp, John, and Nicholas Snowden. '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 (2015): 125-127. Web.

---. '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 (2015): 125-127. Web.

'BOLAM v. FRIERN HOSPITAL MANAGEMENT COMMITTEE .' Weekly Law Reports (ICLR) 1 (1957): n. pag. Web.  
<<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'. All England Law Reports 2 (1957): n.

pag. Web.

<<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'. ICLR: Appeal Cases (1997): n. pag. Web.

<<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. '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 (2015): e006687-e006687. Web.

Brazier, M, and J Miola. 'Bye-Bye Bolam: A Medical Litigation Revolution?' Medical Law Review 8.1 (2000): 85-114. Web.

Brennan, T A. '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 (2004): 145-151. Web.

Burrows, J. 'Telling Tales and Saving Lives: Whistleblowing--The Role of Professional Colleagues in Protecting Patients from Dangerous Doctors'. Medical Law Review 9.2 (2001): 110-129. Web.

Chacko, David. 'Discussion Papers in Economic and Social History: Medical Liability Litigation: An Historical Look at the Causes for Its Growth in the United Kingdom'. 2009. Web. <<http://www.nuff.ox.ac.uk/economics/history/Paper77/77chacko.pdf>>.

Cheng, Yvonne W. et al. 'Litigation in Obstetrics: Does Defensive Medicine Contribute to Increases in Cesarean Delivery?' The Journal of Maternal-Fetal & Neonatal Medicine 27.16 (2014): 1668-1675. Web.

'Chester v Afshar'. All England Law Reports 4 (2004): n. pag. Web.  
<<http://www.lexisnexis.com/uk/legal/docview/getDocForCuiReq?Ini=4DS2-FHW0-TWP1-601T&csi=274668&oc=00240&perma=true&elb=t>>.

Chiu, Yu-Chan. 'What Drives Patients to Sue Doctors? The Role of Cultural Factors in the Pursuit of Malpractice Claims in Taiwan'. Social Science & Medicine 71.4 (2010): 702-707. Web.

Cleary, Sonja R., and Kerrie E. Doyle. '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 (2015): 59-61. Web.

Clwyd, Ann, and Tricia Hart. 'A Review of the NHS Hospitals Complaints System Putting Patients Back in the Picture'. Web.  
<[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/255615/NHS\\_complaints\\_accessible.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/255615/NHS_complaints_accessible.pdf)>.

Cunningham, W., and H. Wilson. 'Republished Original Viewpoint: Complaints, Shame and

Defensive Medicine'. Postgraduate Medical Journal 87.1034 (2011): 837–840. Web.

---. 'Republished Original Viewpoint: Complaints, Shame and Defensive Medicine'. Postgraduate Medical Journal 87.1034 (2011): 837–840. Web.

'Data on Written Complaints in the NHS 2014-15'. 26 Aug. 2015. Web.  
<<http://www.hscic.gov.uk/catalogue/PUB18021/data-writ-comp-nhs-2014-2015-rep.pdf>>.  
Durand, Marie-Anne et al. 'Can Shared Decision-Making Reduce Medical Malpractice Litigation? A Systematic Review'. BMC Health Services Research 15.1 (2015): n. pag. Web.

Fenn, Paul et al. 'The Epidemiology of Error: An Analysis of Databases of Clinical Negligence Litigation'. Web.  
<[https://www.researchgate.net/profile/Charles\\_Vincent3/publication/237252669\\_The\\_Epidemiology\\_of\\_Error\\_An\\_Analysis\\_of\\_Databases\\_of\\_Clinical\\_Negligence\\_Litigation/links/53f7bec00cf24ddba7db2591.pdf](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, Robert, Mid Staffordshire NHS Foundation Trust Public Inquiry (Great Britain), and Great Britain. Parliament. House of Commons. Report of the Mid Staffordshire NHS Foundation Trust Public Inquiry: Executive Summary. HC. London: Stationery Office, 2013. Web.  
<<http://webarchive.nationalarchives.gov.uk/20150407084003/http://www.midstaffspublicinquiry.com/sites/default/files/report/Executive%20summary.pdf>>.

Francis, Sir Robert. 'Report: Freedom to Speak Up Review'. Web.  
<<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'. Web.  
<[http://webarchive.nationalarchives.gov.uk/20150218150343/https://freedomtospeakup.org.uk/wp-content/uploads/2014/07/F2SU\\_Executive-summary.pdf](http://webarchive.nationalarchives.gov.uk/20150218150343/https://freedomtospeakup.org.uk/wp-content/uploads/2014/07/F2SU_Executive-summary.pdf)>.

Friele, R. D., P. M. Reitsma, and J. D. de Jong. 'Complaint Handling in Healthcare: Expectation Gaps between Physicians and the Public; Results of a Survey Study'. BMC Research Notes 8.1 (2015): n. pag. Web.

Friele, Roland D. et al. 'Comparing the Outcome of Two Different Procedures to Handle Complaints from a Patient's Perspective'. Journal of Forensic and Legal Medicine 20.4 (2013): 290–295. Web.

Goldsmith, Paul et al. 'Do Clinical Incidents, Complaints and Medicolegal Claims Overlap?' International Journal of Health Care Quality Assurance 28.8 (2015): 864–871. Web.

'Gouldsmith v Mid Staffordshire General Hospitals NHS Trust'. All England Reporter (2007): n. pag. Web.  
<<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. 'Harnessing the Cloud of Patient Experience: Using Social Media to Detect Poor Quality Healthcare'. BMJ Quality & Safety 22.3 (2013): 251–255. Web.

'Gregg v Scott'. 71 (2002): n. pag. Web.

<<http://www.lexisnexis.com/uk/legal/docview/getDocForCuiReq?Ini=4FNG-MXN0-TWW8-X0FB&csi=280209&oc=00240&perma=true&elb=t>>.

Hamasaki, Tomoko, and Akihito Hagihara. 'A Comparison of Medical Litigation Filed against Obstetrics and Gynecology, Internal Medicine, and Surgery Departments'. BMC Medical Ethics 16.1 (2015): n. pag. Web.

---. 'Physicians' Explanatory Behaviours and Legal Liability in Decided Medical Malpractice Litigation Cases in Japan'. BMC Medical Ethics 12.1 (2011): n. pag. Web.

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

<<http://www.lexisnexis.com/uk/legal/docview/getDocForCuiReq?Ini=4K4W-PD40-TXD8-60CB&csi=296986&oc=00240&perma=true&elb=t>>.

Jackson, Debra et al. 'Whistleblowing: An Integrative Literature Review of Data-Based Studies Involving Nurses'. Contemporary Nurse 48.2 (2014): 240–252. Web.

Jones, Aled, and Daniel Kelly. 'Whistle-Blowing and Workplace Culture in Older Peoples' Care: Qualitative Insights from the Healthcare and Social Care Workforce'. Sociology of Health & Illness 36.7 (2014): 986–1002. Web.

Kelly, Daniel, and Aled Jones. '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 (2013): 180–191. Web.

Kohanim, Sahar et al. 'Unsolicited Patient Complaints in Ophthalmology'. Ophthalmology 123.2 (2016): 234–241. Web.

Kroening, Helen L et al. 'Patient Complaints as Predictors of Patient Safety Incidents'. Patient Experience Journal 2.1 94–101. Web. <<http://pxjournal.org/journal/vol2/iss1/14>>.

Levinson, Wendy. 'Physician-Patient Communication'. JAMA 272.20 (1994): n. pag. Web.

Lisa M. Reisch. 'Medical Malpractice Concerns and Defensive Medicine'. American Journal of Clinical Pathology 144.6 (2015): 916–922. Web.

Mannion, Russell, and Huw TO Davies. 'Cultures of Silence and Cultures of Voice: The Role of Whistleblowing in Healthcare Organisations'. International Journal of Health Policy and Management 4.8 (2015): 503–505. Web.

Markides, G. A., and C. M. Newman. 'Medical Malpractice Claims in Relation to Colorectal Malignancy in the National Health Service'. Colorectal Disease 16.1 (2014): 48–56. Web.

Marsh, H. 'Infarct'. Do No Harm: Stories of Life, Death and Brain Surgery. London: Phoenix, 2014. 154–164. Web.

<<https://contentstore.cla.co.uk//secure/link?id=9bc12e07-8036-e711-80c9-005056af4099>>.

Marsh, Henry. Do No Harm: Stories of Life, Death and Brain Surgery. London: Phoenix,

2014. Print.

Mathew, Rashmi G., Veronica Ferguson, and Melanie Hingorani. 'Clinical Negligence in Ophthalmology: Fifteen Years of National Health Service Litigation Authority Data'. *Ophthalmology* 120.4 (2013): 859–864. Web.

McCool, William F. et al. '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 (2015): 437–444. Web.

Morgan, Jenna L., and Rajesh Vijh. 'Trends in Malpractice Litigation in Relation to the Delivery of Breast Care in the National Health Service'. *The Breast* 22.5 (2013): 964–967. Web.

Mulheron, Rachael. 'TRUMPING BOLAM: A CRITICAL LEGAL ANALYSIS OF BOLITHO'S "GLOSS"'. *The Cambridge Law Journal* 69.03 (2010): 609–638. Web.

'My Expectations for Raising Concerns and Complaints'. 2014. Web.  
<[http://www.ombudsman.org.uk/\\_\\_data/assets/pdf\\_file/0007/28816/Vision\\_report.pdf](http://www.ombudsman.org.uk/__data/assets/pdf_file/0007/28816/Vision_report.pdf)>.

Nash, Louise, Christopher Tennant, and Merrilyn Walton. 'The Psychological Impact of Complaints and Negligence Suits on Doctors'. *Australasian Psychiatry* 12.3 (2004): 278–281. Web.

Ortashi, Osman et al. 'The Practice of Defensive Medicine among Hospital Doctors in the United Kingdom'. *BMC Medical Ethics* 14.1 (2013): n. pag. Web.

'Patient Association Peer Review Panels: Good Practice Standards for NHS Complaints Handling'. Web.  
<<http://www.patients-association.org.uk/wp-content/uploads/2014/06/Good-Practice-standards-for-NHS-Complaints-HandlingSept-2013.pdf>>.

Pegalis, Steven E., and B. Sonny Bal. 'Closed Medical Negligence Claims Can Drive Patient Safety and Reduce Litigation'. *Clinical Orthopaedics and Related Research®* 470.5 (2012): 1398–1404. Web.

'Penney and Others v East Kent Health Authority'. 55 (1999): n. pag. Web.  
<<http://www.lexisnexis.com/uk/legal/docview/getDocForCuiReq?lni=4FNG-MXM0-TWW8-X0YN&csi=280209&oc=00240&perma=true&elb=t>>.

'Principles of Good Complaint Handling'. Web.  
<[http://www.ombudsman.org.uk/\\_\\_data/assets/pdf\\_file/0005/1040/0188-Principles-of-Good-Complaint-Handling-bookletweb.pdf](http://www.ombudsman.org.uk/__data/assets/pdf_file/0005/1040/0188-Principles-of-Good-Complaint-Handling-bookletweb.pdf)>.

Purushothaman, H.N., R. Wilson, and M.J. Michell. 'Medico-Legal Issues in Breast Imaging'. *Clinical Radiology* 67.7 (2012): 638–642. Web.

Raine, J. E. 'An Analysis of Successful Litigation Claims in Children in England'. *Archives of Disease in Childhood* 96.9 (2011): 838–840. Web.

'Raising Concerns at Work - Whistleblowing Guidance for Workers and Employers in Health

and Social Care'. Web.

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

Reader, T. W., A. Gillespie, and J. Roberts. 'Patient Complaints in Healthcare Systems: A Systematic Review and Coding Taxonomy'. *BMJ Quality & Safety* 23.8 (2014): 678–689. Web.

Robertson, Judith H., and Ann M. Thomson. 'An Exploration of the Effects of Clinical Negligence Litigation on the Practice of Midwives in England: A Phenomenological Study'. *Midwifery* 33 (2016): 55–63. Web.

Roter, Debra. 'The Patient-Physician Relationship and Its Implications for Malpractice Litigation'. *Journal of Health Care Law and Policy* 9.2 (2006): 304–313. Web.  
<<http://digitalcommons.law.umaryland.edu/jhclp/vol9/iss2/7/>>.

Samanta, A. et al. 'THE ROLE OF CLINICAL GUIDELINES IN MEDICAL NEGLIGENCE LITIGATION: A SHIFT FROM THE BOLAM STANDARD?' *Medical Law Review* 14.3 (2006): 321–366. Web.

'Speak up for a Healthy NHS: How to Implement and Review Whistleblowing Arrangements in Your Organisation'. 2010. Web. <<http://www.pcaw.org.uk/files/SpeakupNHS.pdf>>.

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

Vaughan, Jenny. 'Gross Negligence Manslaughter and the Healthcare Professional'. *The Bulletin of the Royal College of Surgeons of England* 98.2 (2016): 60–62. Web.

Vincent, C., A. Phillips, and M. Young. 'Why Do People Sue Doctors? A Study of Patients and Relatives Taking Legal Action'. *The Lancet* 343.8913 (1994): 1609–1613. Web.

Vincent, Charles, Caroline Davy, Aneez Esmail, Graham Neale, Max Elstein, Jenny Firth Cozens, and Kieran. 'Learning from Litigation: An Analysis of Claims for Clinical Negligence'. Web.  
<<http://www.birmingham.ac.uk/Documents/college-mds/haps/projects/cfhcp/psrp/finalreports/PS006FinalReportVol2Walshe.pdf>>.

Vincent, Charles, Caroline Davy, Aneez Esmail, Graham Neale, Max Elstein, Jenny Firth Cozens, and Kieran Walshe. 'Learning from Litigation. The Role of Claims Analysis in Patient Safety'. *Journal of Evaluation in Clinical Practice* 12.6 (2006): 665–674. Web.

Wallace, E. et al. 'The Epidemiology of Malpractice Claims in Primary Care: A Systematic Review'. *BMJ Open* 3.7 (2013): e002929–e002929. Web.

Wessel, M. et al. '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 (2012): e000489–e000489. Web.

White, V., A. Nath, and G. Stansby. 'Litigation Claims Relating to Venous Thromboembolism in the NHS'. *Phlebology: The Journal of Venous Disease* 30.6 (2015):

389–396. Web.

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

Wofford, Marcia M. MD. 'Patient Complaints about Physician Behaviors: A Qualitative Study'. Academic Medicine 79.2 134–138. Web.  
<<http://ovidsp.ovid.com/ovidweb.cgi?T=JS&CSC=Y&NEWS=N&PAGE=fulltext&AN00001888-200402000-00008&LSLINK=80&D=ovft>>.