

PRESS RELEASE



For immediate release: Friday, 14 May 2010

DOCTORS MUST CONSIDER RIGHTS OF PATIENTS WHO STALK THEM.

Doctors and other healthcare workers are being warned they are still bound by a duty of confidentiality – even when reporting concerns about stalking.

The UK-wide medical defence organisation MDDUS points out that the duty of patient confidentiality may restrict the way in which medical staff report concerns about this form of predatory behaviour to the police.

Scotland's biggest health board, NHS Greater Glasgow and Clyde, has reported a rise in the number of incidents where episodes of unwanted and intrusive contact have been made. Staff have been trailed or followed, secretly photographed, harassed over a period with physical damage to their property.

Dr John Holden, a senior medical adviser at MDDUS says: "Doctors are vulnerable to threatening approaches from their patients, whether by post, email, and phone or in person.

"General practitioners may also employ staff, so they not only have responsibilities to their patients but also towards their employees. This may generate conflict. Legally and ethically, it is in the public interest that medical care be provided confidentially.

"There is also a recognised public interest in protecting others, such as healthcare professionals and practice staff – and indeed the patient – from a risk of serious harm or crime.

"Where there is a risk of serious harm a doctor may disclose to the police the minimum necessary information to protect themselves or others.

"In some situations it may not be feasible to seek the patient's consent first, or by doing so would put the doctor or others at risk of serious harm, or indeed may prejudice the prevention or detection of serious crime."

Dr Holden adds: "Such situations of stalking may start insidiously. Doctors are therefore advised to be alert to the potential for situations to escalate."

MDDUS advises that risk to health carers and staff may be minimised by taking precautionary measures. For example, when making home visits a mobile phone might be carried, and an

itinerary logged with an administrator at the employee's base. Where there are significant risks health carers may find it helpful to visit with a colleague.

Dr Holden stresses: "Where disclosure is made in the public interest you must also document in the patient's record the reasons for doing so without consent, including the steps taken to seek the patient's consent, to inform them about the disclosure, or your reasons for not doing so. Such an approach is consistent with General Medical Council guidance. MDDUS advises its members to seek advice on an individual case basis."

Ends

For further information contact Colin Calder on 0141 616 2677 or 07850 510881.

Note to editors

MDDUS (Medical and Dental Defence Union of Scotland) is a medical defence organisation providing access to professional indemnity and expert medico-legal advice for doctors, dentists and other healthcare professionals throughout the UK.

For further information on MDDUS go to www.mddus.com.