

# PRESS RELEASE



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## **DOCTORS URGED TO CONSIDER BRIBERY ACT BEFORE ACCEPTING GIFTS**

Doctors are urged to think twice before accepting gifts this Christmas in light of the introduction of the Bribery Act earlier this year.

The season of goodwill can present ethical issues for doctors about whether they should accept Christmas gifts from patients or pharmaceutical representatives.

To ensure doctors are safeguarded under the Bribery Act 2011, UK-wide medical defence organisation MDDUS is advising practices to ensure they have a policy on accepting gifts in place to eliminate any uncertainty doctors might have. It is also advisable to keep a gift register which can be made available to the Primary Care Trust on request.

In the build up to Christmas, Royal Mail bosses posted guidance asking postmen not to accept gifts greater than £30 so they don't end up facing bribery charges under the new law.

The Act makes it a criminal offence to offer financial or other advantages with the intention of inducing a person to perform an "action improperly". It is also illegal for clinicians to request, agree to receive, or accept an inducement.

In many cases it may be entirely appropriate to accept a small token or recognition of gratitude, but there are times when a gift can represent something more according to MDDUS Head of Professional Services Dr Jim Rodger. He says: "The practice should have a policy in place to ensure doctors know what types of gifts are acceptable. Within that policy, doctors should be required to keep a register of gifts, especially for items with an individual value of more than £100."

Clear advice is also set out by the General Medical Council in *Good Medical Practice* which warns doctors that patient gifts may affect, or be seen to affect, the treatment they give.

Dr Rodger explains: "While it is possible in very serious cases for a GP to face charges under the Bribery Act, the main risk lies in falling foul of GMC guidelines.

"A doctor should consider whether that by accepting a gift, they are altering their relationship with a patient and encouraging favouritism.

"You must consider whether accepting a gift could be seen to influence your decision making or affect your professional judgement. You should make it clear to any gift-giver that their gesture will not have any impact on the care you provide."

“Larger gifts can cause more problems and it is probably best to try and discourage these without causing the patient offence. The size of the gift, the motive behind the offer and any perceived or actual impact on your professional judgement must all be considered.

“Discuss the offer of a gift with the patient and consider refusing or returning it if you feel it is inappropriate. It is advisable to keep a record of any such conversations surrounding the offer of a gift and note the reasons for accepting in some form of gift register – including actual or estimated value of the gift.”

*Good Medical Practice* advises doctors not to “encourage patients to give, lend or bequeath money or gifts that will directly or indirectly benefit you.”

It also states: “You must not ask for or accept any inducement, gift or hospitality which may affect or be seen to affect the way you prescribe for, treat or refer patients. You must not offer such inducements to colleagues.”

## **Ends**

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## **Note to editors**

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

For further information on MDDUS go to [www.mddus.com](http://www.mddus.com).