

The Minutes of the Derby Medical Society meeting

16th October 2012 held in the Derby Medical School

Apologies

Drs Jan and Michael Millar- Craig

Ian Scott

Dr Paul Carrick

The minutes were read and agreed.

£550 was raised at the last meeting for the Royal Medical Benevolent Fund.

Dr Scott welcomed the legal team from the hospital who were attending this evening's lecture.

She then introduced the speaker Professor Alan Aitkenhead, Emeritus Professor of Anaesthesia University of Nottingham who gave us a talk entitled

'Healthcare Workers and The Criminal Justice System'

Professor Aitkenhead has had extensive experience with medicine and law and among a number of appointments has held positions as; Professor of Anaesthesia University of Nottingham; He has been member of council for the Medical Defence Union. He has been a Member of the Clinical Negligence Working Group, Lord Chancellors Department; President, European Society of Anaesthesiologists, and Vice Dean, at the Faculty of Medicine, University of Nottingham.

Healthcare workers come into contact with the law in a number of ways. They are; civil claims [which are most common], coroner's court, criminal prosecutions, disciplinary events and the GMC.

Civil claims are often settled out of court. If they get to high court, in his opinion, justice is done.

Criminal work is what Prof Aitkenhead has been most involved in. In his opinion the application of criminal law does not suit healthcare issues well.

Civil cases are settled on the basis of 'the balance of probabilities'. In criminal law the test of 'beyond reasonable doubt' has to apply.

For the jury the cases can last weeks or months, expert evidence is too complex for juries to understand and too much weight is given to the credibility of the witness.

Prof Aitkenhead illustrated the strengths and the failings of the law by showing us case studies, involving; manslaughter, murder GBH and sexual assault.

In each case he showed how the law had either correctly convicted or incorrectly acquitted or convicted in certain cases.

It was clear that correct application of the law does not always match ethics, or the opinions of the GMC.

It became very clear that good record keeping and absolute integrity are fundamental to good defence in the courts.

He concentrated all our minds wonderfully and kept out attention.

The vote of thanks was given by Dr John Grenville who is also very experienced in matter of doctors and the law and he was clearly impressed, as we all were, by Professor Aitkenhead's talk.

Dr Scott reminded us to apply to Frances Dean for tickets for the annual dinner on 16th November.

The next meeting is on the 30th October.

37 members and guests signed the registers.

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