



Media statement

NSW junior doctors unlikely to suffer UK doctor's fate

The Medical Council of NSW acknowledges the concern raised within the profession by the decision of UK authorities to prosecute junior doctor Dr Hadiza Bawa-Garba for manslaughter and her subsequent de-registration as a medical practitioner.

The Council is not in a position to comment directly on Dr Hadiza Bawa-Garba but wishes to clarify the following:

The legal framework governing the Medical Council is protective of public health and safety rather than punitive. Together with its co-regulator, the Health Care Complaints Commission, the Council protects public health and safety by ensuring medical practitioners are fit to practise their profession.

The Medical Council accepts that errors occur in the delivery of healthcare and that system deficiencies are frequently a contributor to medical misadventure. In circumstances where concerns are raised about a medical practitioner's fitness to practice the profession, the Council will work with the practitioner in its non-disciplinary programs to help them meet acceptable standards of professional care and conduct.

In 2016/2017, the Council handled very few complaints about the clinical care provided by medical practitioners registered for less than 10 years. NSW medical regulators have shown themselves to be particularly aware of the pressures junior doctors are under and have taken these pressures into account when assessing complaints made against them. Wherever possible, the Council will defer to the role of the specialist medical colleges in providing appropriate guidance, education and oversight of junior doctors who have been involved in adverse clinical outcome.

It should be noted that professional disciplinary proceedings are pursued against only a small number of practitioners; essentially limited to those where there has been a significant departure from appropriate professional standards with dimensions of serious clinical deficiency, recklessness, criminality or wilful neglect. These matters are prosecuted by the Health Care Complaints Commission before either a Professional Standards Committee or the Civil and Administrative Tribunal.

The Medical Council does have the power to impose conditions on or temporarily suspend a doctor's registration until a matter of serious concern is fully investigated by other authorities. The Tribunal can cancel a practitioner's registration.

The Council encourages all doctors to review and reflect on adverse clinical outcomes as it helps both them and others in their team learn from errors and adverse events. The Council encourages peer review and continues to play an active role in encouraging the professional development of junior doctors through its work with medical schools, specialist colleges and employers.

Please attribute to a spokesperson for the Medical Council of NSW.