

November 2012

MPS's response to call for evidence on the implementation of the working time directive – and its impact on the NHS and health professionals

About MPS

The Medical Protection Society is the leading provider of comprehensive professional indemnity and expert advice to doctors, dentists and health professionals around the world.

We are a mutual, not-for-profit organisation offering more than 280,000 members help with legal and ethical problems that arise from their professional practice. This includes clinical negligence claims, complaints, medical council inquiries, legal and ethical dilemmas, disciplinary procedures, inquests and fatal-accident inquiries.

Fairness is at the heart of how we conduct our business. We actively protect and promote the interests of members and the wider profession. Equally, we believe that patients who have suffered harm from negligent treatment should receive fair compensation. We promote safer practice by running risk management and education programmes to reduce avoidable harm.

MPS is not an insurance company. The benefits of membership are discretionary - this allows us the flexibility to provide help and support even in unusual circumstances.

General Comments

It is not the purpose or the place of MPS to become directly involved with issues around terms and conditions of employment such as those arising from the implementation of the Working Time Directive. However, we are often told by our members about the secondary effects it has on them and their practice. Whilst we do not comment on the workings of, or any necessary changes to, the Regulations, we think that it is important to comment on the effect members tell us it has on their working environment, training experience and consequently on patient safety.

Questions

Have you or your organisation encountered any problems relating to the Working Time Regulations and, if so, around what issue in particular?

MPS is occasionally contacted by members who express concerns or make enquires in relation to the Working Time Regulations. Many of these enquires focus on the consequences of not complying with the Regulations or opting out – for example, will this affect their entitlement to the benefits of MPS membership or the indemnity available to them, what the implications are of opting out and can this be held against a doctor. As part of this we hear anecdotally of the concerns that our members have around the way the Regulations work. Common concerns raised are that the Regulations disrupt the team structure and damage the ethos that went with the old team structures, that there is disruption to the continuity of care, and the linear learning and experience that was available before the Regulations were introduced and that acquiring the necessary training is consequently much more difficult.

What have you or your organisation been able to do to solve these problems?

MPS's role is to provide advice to members on the law and how it affects them in their particular professional practice.

What more could be done to solve these problems?

It is not MPS's place to comment on solutions to these problems but we have been made aware by members of some of the issues that need to be addressed.

Is there specific evidence (such as publications or studies) you would highlight to the taskforce?

The information we have is anecdotal as noted above.

Are there any examples of ways in which the Working Time Directive has been successfully implemented that you would like to highlight?

We do not have any comments on this question.

CONTACT

Should you require further information about any aspects of our response to this consultation, please do not hesitate to contact me.

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