

Facilitative Mediation as an Alternative to High Costs in Medical Negligence Cases

Dear Editor,

General practitioners in Ireland have been the gatekeepers of Irish healthcare over the last 100 years. Indeed, most people's contact with the health service is through their GP. GPs in Ireland are responsible for more than 20 million consultations annually¹ but what happens when there is conflict or disagreement between patient and doctor. How is it solved?

Complaints can be reported to the medical council or to a solicitor through the civil process. However, complaints that go beyond the interface of GP and patient rarely end up in satisfaction for either party.

The civil route may also end up in both parties not being satisfied and there being no change in perceived behaviour which is often quoted as a reason to bring a case in the first instance¹.

Doctors find the complaints procedures emotionally difficult². Suicide rates amongst doctors increase when there is a complaint. The rate of depression amongst doctors increases by 17 per cent while they are going through present complaints processes³.

There are other issues with the fora chosen for complaints against doctors to be heard. They are lengthy and expensive.

Facilitative mediation offers an alternative. It is a flexible, voluntary and a confidential process. The parties retain control of the outcome. It will not help all complaints but if introduced early via the mediation act it may offer solutions to both parties and may even strengthen the relationship between patient and doctor.

Mediation is effective as an alternative dispute resolution process for a number of reasons. The mediator adds a new dynamic coated in neutrality to a conflicted relationship. The mediator will help the doctor and patient present their cases more effectively to the other side. The mediator can help the parties work through their deadlock. The soft skills of emotional intelligence are high in the mediator's weaponry and an important component of the dispute resolution process where there is a broken relationship between doctor and patient.

Research carried shows that it works² and that it works in a timely fashion. It is also cost effective⁴.

The use of mediation in these disputes was included in the programme for government but needs buy in from all stakeholders.

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