

Challenge Medical Indemnity



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David Walsh

Dear Healthcare Professional,

Welcome to our Challenge Medical Indemnity newsletter – October 2017 edition.

I am pleased to report that Challenge continues to grow at pace and our private consultant indemnity scheme is well on the way to securing 50% of the full time private market by the end of 2017. Our dental indemnity scheme is also gathering pace with strong demand for our comprehensive and competitive indemnity services from dental practitioners. A very pleasing development for me is that our locally supplied support services are now being recognised by our clients as a valuable addition to the comprehensive coverage which we supply.

Challenge is also working with many of the private/independent hospitals and private healthcare facilities nationwide. We are providing competitive and innovative indemnity solutions which are helping hospitals to reduce costs and recruit the expertise they need by being able to control the indemnity requirements in these specialist areas.

In this edition we have a very relevant piece on the important role which emotional intelligence plays in supporting the wellbeing of our doctors. We want our doctors to know that they must care for themselves as well as their patients. Thanks to Sandra O'Malley of Enterprise Coaching for this informative article for our clients.

We also have a piece from our in-house Medico-Legal Advisor, Ms Ann O'Driscoll, who is reminding our clients of the services available to them on our Challenge helpline.

Challenge are committed to delivering comprehensive indemnity at competitive rates, we are also committed to delivering service levels which integrate with the busy schedule of a private healthcare practice in Ireland.

Thank you for your continued support,

Regards

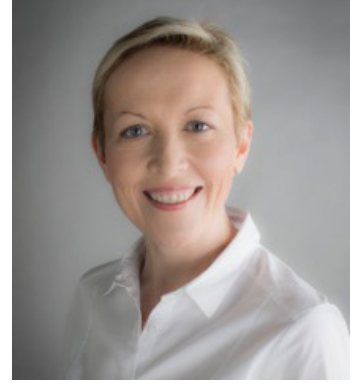
David Walsh

Managing Director

Challenge.ie



The Role of Emotional Intelligence in Supporting the Wellbeing of Doctors



Sandra O'Malley

The Role of Emotional Intelligence in Supporting the Wellbeing of Doctors

“Doctors must care for themselves and for each other,” is one of the key recommendations from the recent National Study of Wellbeing of Hospital Doctors in Ireland commissioned by the Royal Physicians of Ireland¹. According to this report, one in three doctors surveyed have experienced burnout and up to 10% of the respondents suffer from severe to extremely severe levels of stress.

With excessive work hours, excessive workloads, complaints from patients and inadequate access to administrative supports,² it is not surprising that hospital doctors are experiencing burnout which in turn increases the risk of medical error and patient dissatisfaction.

In the RCPI report, stress was found to be a major factor for hospital doctors with four out of five doctors surveyed confirming significant work stress and with the majority reporting a tendency to over commit to their work. The average working week was found to be 57 hours with only one in five having time for personal or family life due to the commitments of work. It is not surprising that given findings of significant stress and work/life imbalance, there is such a high reported level of burnout. Add to that the finding that 8 out of 10 doctors continue to work when ill or injured and patient safety alarm bells

are ringing.

Currently in Ireland, there is a serious issue in terms of poor retention of medical graduates and trainees and it is of interest to note that in the RCPI report, it was found that in general, work stress levels were higher and levels of personal wellbeing lower amongst trainees than in consultants.³ In a separate study conducted by the Department of Epidemiology and Public Health Medicine in RCSI⁴ into the significant level of emigration of health

professionals from Ireland, it was found that respondents mainly emigrated because of difficult working conditions with particular reference to long working hours and uncertain career progression.

So how can doctors care for themselves and others, as recommended in the RCPI Report? The answer lies in emotional intelligence which has a powerful role to play in supporting

the wellbeing of doctors and it is important that such a role is appreciated by both doctors and hospital managers.

What exactly is “emotional intelligence”? Emotional Intelligence (“EI”) or emotional quotient (“EQ”) can be described as “a set of emotional and social skills that influence the way we perceive and express ourselves, develop and maintain social relationships, cope with challenges and use emotional information in an effective and meaningful way.”⁵



“People will forget what you said. People will forget what you did. People will never forget how you made them feel”

¹ Hayes, B, Walsh, G, Prihodova, L. National Study of Wellbeing of Hospital Doctors in Ireland commissioned by the Royal Physicians of Ireland; Report on the 2014 National Survey; April 2017, RCPI

² Murphy, JFA. Commentary Burnout in Doctors (March 2017) Volume 110, Number 3 IMJ p525 Available at : <http://imj.ie/burnout-in-doctors/>

³ Op cit 1, p.5

⁴ Humphries, N., McAleese, S., Matthews, A., Brugha, R., (16, May, 2015) ‘Emigration is a matter of self-preservation. The working conditions...are killing us slowly’: qualitative insights into health professional emigration from Ireland e-publications @ RCSI Available at: <https://human-resources-health.biomedcentral.com/articles/10.1186/s12960-015-0022-6>

⁵ MHS Staff, Emotional Quotient Inventory 2.0 (EQ-i 2.0) Technical Manual (Toronto: Multi-Health Systems Inc., 2011)

The Role of Emotional Intelligence in Supporting the Wellbeing of Doctors (Continued)

At the heart of emotional intelligence lies awareness, being self-aware, knowing what makes us tick and what enables us to relate well with others. This self-awareness also allows us to see how we make decisions and how effective we are with managing stress. With self-awareness, we can develop the skills of emotional intelligence that will improve our interpersonal skills, decision making ability and stress management skills, thereby increasing our success in both our personal and professional lives.

Doctors might be inclined to regard emotional intelligence as something that is “woolly” or “fluffy”. As a result, they may avoid talking openly about it because they see it as involving emotions which they are not willing to discuss for fear of displaying vulnerability or weakness. However, emotional intelligence is not a weakness; it

is a strength and has long been recognised as such in the business world. Indeed, as identified by Daniel Goleman⁶, who has written some of the most popular work on the subject of emotional intelligence, cognitive intelligence (“IQ”) may be what gets you hired but it is emotional intelligence that gets you promoted.

Whilst IQ is generally thought to be fixed by the age of 17, the development of emotional intelligence is ongoing. Some people might seem to naturally have good emotional intelligence as can be observed from the ease with which they relate to others and by how they manage stressful situations. Others may struggle in this regard. However, the good news is that emotional intelligence can be developed or improved upon through assessment and coaching. With proper support and training, one can improve one’s emotional intelligence and experience greater ease and success in one’s personal and professional life.

In terms of interacting well with patients and colleagues, a key component of emotional intelligence is empathy which allows us to understand how others are feeling and to see things from their point of view. Nobody likes being made to feel foolish. We may not agree with the other

person but in understanding their viewpoint, it helps us to deal with them in a respectful manner and to articulate our own views in a way that the other person can understand and appreciate. Empathy is like the midas touch that makes all the difference in our interactions with others. As often quoted, “People will forget what you said. People will forget what you did. But people will never forget how you made them feel.”⁷ A smile, a greeting, a kind word or a handshake can make such a positive difference to the

patient’s experience. It also helps to gain the patient’s trust and facilitates good, honest, ongoing communication. Furthermore, a relationship of trust and openness between doctor and patient can, in some instances, be the deciding factor in whether a patient decides to pursue a claim in the event of an adverse clinical outcome. People who have well developed emotional

intelligence are skilled communicators and instinctively know not only what and how to communicate but, very importantly, when to communicate. We hear of so many complaints in healthcare related to poor communication and, specifically, the absence of communication. Emotional intelligence creates an awareness so that doctors know when they need to keep their patients and colleagues informed, thereby increasing patient safety and reducing the risk of error or complaint.

Emotional intelligence is also extremely important at organisational and management level. In 2015, Dr Chris Luke, Consultant in Emergency Medicine, very clearly articulated that emotional intelligence has a vital role to play in healthcare and that healthcare managers should recognise the importance of considering the feelings and motivation of staff and patients when making management decisions in relation to resources etc.⁸ The aforementioned RCPI Report also recommended that in making changes to improve patient care, hospital management should consider any impact on employees.⁹ Therefore, hospital management needs to ensure that decisions made are not solely financially motivated, but are emotionally intelligent and take into consideration the needs and feelings of staff.



“Emotional intelligence is also extremely important at organizational and management level”.

⁶ Goleman, D. *Emotional Intelligence: Why it can matter more than IQ* (1996) London: Bloomsbury Publishing Plc

⁷ Angelou, M., *I Know Why The Caged Bird Sings* (1969) New York: Random House

⁸ Dr Chris Luke *The Vital Role of Emotional Intelligence in Healthcare* (July 2015) Available at: <http://www.healthmanager.ie/2015/07/the-vital-role-of-emotional-intelligence-in-healthcare/> [Accessed 1 June 2017]

⁹ Op cit 1, p.5

¹⁰ Stein, S.J., Howard, E.B., (2011) *The EQ Edge Emotional Intelligence and Your Success* Third Edition, Mississauga, Ontario: Jossey-Bass, p. 29

¹¹ Op. cit. 1, p. 4.

The Role of Emotional Intelligence in Supporting the Wellbeing of Doctors (Continued)

In business, the importance of emotional intelligence has been recognised for some time and back in 1999, a 'Fortune' article entitled "Why CEOs Fail," showed that unsuccessful CEOs put strategy before people. Successful CEOs who shone in the area of emotional intelligence displayed integrity, people acumen, assertiveness, effective communication and trust-building behaviour.¹⁰ Strong leadership, incorporating the skills of emotional intelligence, is essential in the running of healthcare organisations where the working environment is high risk and the challenges are many, to include stress, burnout of doctors and vacant posts.

The RCPI Report found that the majority of doctors, being seven out of ten, reported a strong desire to practice medicine¹¹ which is really positive notwithstanding the other reported findings of stress and burnout. All the

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The RCPI Report also recommended that in making changes to improve patient care, hospital management should consider any impact on employees.”

more reason than why hospital managers need to recognise and give due consideration to the health and wellbeing of doctors when making decisions that will impact on their ability to perform their duties.

In terms of identifying the type of leadership required, we can look to John Maxwell, an American author who has written many books on leadership and who uses the

analogy of sailing when discussing leadership: "The pessimist complains about the wind. The optimist expects it to change. The leader adjusts the sails."¹² We need leaders in healthcare who have the emotional intelligence and capacity to "adjust the sails" and to make decisions that effectively support the wellbeing of doctors, thereby reducing the reported levels of stress and burnout and enabling the delivery of safe care.

Sandra O'Malley is a coaching consultant with a background in medical law and healthcare risk management. Having previously practiced in defence medical malpractice and having been Head of Legal Affairs of the Royal College of Surgeons in Ireland, Sandra is an experienced healthcare lawyer. As an executive coach and certified emotional intelligence assessor, Sandra coaches clients on a one-to-one basis and also facilitates group workshops and training. She is particularly interested in human factors and their positive application within healthcare. For further information or enquiries, Sandra may be contacted at somalley@enterprisingcoaching.ie.

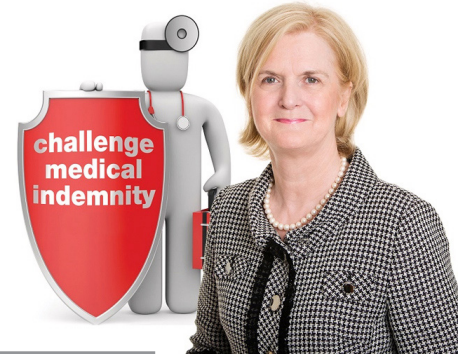


21 Year Run-Off Cover

We are delighted to confirm a significant extension to our indemnity cover offering for Private Consultants with CNA Insurance Company Ltd. The existing automatic Run-Off Cover period has been extended from 10 to 21 Years, for permanent retirement, disability or death. A consultant must be on our scheme for a minimum of 1 year to qualify for this cover. It is something which we have been promising to our existing clients from the time they moved their indemnity cover through Challenge. This additional cover is good news for our consultants who will gain greater peace of mind in the knowledge that their private work will remain automatically covered well into retirement. We are the only medical indemnity insurance provider offering 21 years run-off cover and a e0 policy excess to private consultants in Ireland.

¹² Maxwell, J. Available at: <http://www.getmotivation.com/john-maxwell-hof.html> [Accessed 27 June, 2017]

The Challenge Medico-Legal Helpline



Ann O'Driscoll

The Challenge Medico-Legal Helpline is an Irish-based helpline, run by professionals who care about and understand your perspective and know, through their experience, exactly where you are coming from.

1. The Challenge Helpline is based in Ireland and is run by an experienced team who understand every aspect of the Irish medico-legal, clinical negligence, professional regulatory and insurance environment.
2. The Challenge Helpline is headed up by Ann O'Driscoll, a respected, experienced senior solicitor and former partner in a Dublin law firm, who has over 20 years' experience in defending medical negligence/malpractice claims on behalf of doctors, representing doctors at inquests, assisting doctors with complaints to the Medical Council and advising doctors and hospitals on clinical risk, governance and inquiry issues. Ann was formerly a nurse/midwife.
3. It might suit you to talk to us at 7am or 10pm. No matter what the time, we are here to advise, assist, support and listen to you.
4. We follow-up quickly with you by phone, text or email.
5. It is a very stressful and worrying time if you are sued or complained to the Medical Council. When this happens, the Challenge Helpline maintains communication with you in a supportive and advisory capacity to provide personal assistance to you at such a difficult time.
6. In the event of a claim or a Medical Council inquiry, it is usually necessary to appoint a firm of solicitors to protect your interests. In such circumstances, the Challenge Helpline maintains contact with the solicitors and is kept updated as to the progress of the claim or inquiry. We work only with solicitors and barristers who are experienced and respected practitioners in the areas of medical litigation and regulatory matters.
7. In circumstances where a patient makes a complaint to a doctor and/or the hospital/clinic, the Challenge Helpline works closely with the doctor with a view to reaching an amicable solution with the patient, in the hope of negating the need for the patient to resort to litigation and/or the Medical Council. In that situation, there is no necessity for Challenge to appoint a firm of solicitors from our panel, thereby containing legal costs.
8. In circumstances where a complaint is made about a doctor to the Medical Council and the indications are that the complaint is unlikely to progress to a 'Fitness to Practice' inquiry/hearing, it will still be necessary to prepare a detailed response to the complaint. The Challenge Helpline works closely and expeditiously with the doctor in the drafting of a response for submission to the Medical Council/PPC. In that situation, there may be no necessity for Challenge to appoint a firm of solicitors from our panel, thereby containing legal costs.

The Challenge Helpline Number: **0858065794**; Email Inquiries: **helpline@challenge.ie**



Guidance note for notifying claims and circumstances

These guidelines are intended to assist you in identifying what you need to report to us under your Medical Professional Liability, Public & Professional Liability Insurance policy. They are not intended to replace the policy terms and conditions in any way.

Claims Process

Swift resolution of claims is reliant upon the quality of the initial information CNA receives. The more complete the information is, the more quickly CNA can move to resolve a claim.

A Claim/Circumstance Notification Form should be completed in respect of all new notifications and should be sent to: insurance@challenge.ie

What needs to be notified

You are responsible for notifying CNA of Claims and Circumstances which may give rise to a Claim under the policy. Such notice should include:

- details of what happened and the services and activities that you were performing at the relevant time; and
- the nature of any, or any possible, bodily injury; and
- details of how you first became aware of the Claim or Circumstance; and
- all such further particulars as CNA may require.

Claims

Under the terms of your policy, any Claim must be reported to CNA in writing immediately.

The definition of a "Claim" is any:

- written or verbal demand made of you; and/or
- assertion of any right against you, including but not limited to any proceedings, including any counter-claim; and/or
- invitation to you to enter into alternative dispute resolution, alleging any occurrence, negligent act, error or omission that may give rise to an entitlement to damages."

Examples of a Claim are:

- A letter of claim from solicitors.
- A letter or verbal demand from a patient or third party, alleging wrongdoing and requesting compensation.
- Legal proceedings (e.g. a Summons/Particulars of Claim, etc.).

Circumstances

Under the terms of your policy, any Circumstance must be reported to CNA in writing immediately.

A "Circumstance" is defined as:

"any circumstances of which you become aware, or should reasonably have become aware, that may reasonably be expected to give rise to a Claim."

Examples of a Circumstance are:

- Any complaint, written or verbal, in which the patient or patient's representative expresses dissatisfaction regarding the treatment received and alleges that, as a result, the patient suffered bodily injury.
- A request for access to medical records received from a solicitor or third party on the basis that a Claim against you/ your service (to include any of your employees) is being contemplated.
- Any incident in which a Serious Untoward Incident Report is generated.
- Any unexpected or unusual death of which you become aware.
- Any adverse outcome or clinical "near miss" in which you believe there may have been a negligent act, error or omission, irrespective of whether or not the patient is aware of this or whether the patient or patient's representative has made a complaint.

A loss of patient records (which after a relevant search cannot be found).

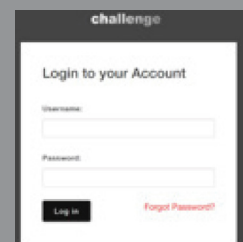
These examples are for general guidance only and this is not an exhaustive list. If you are in any doubt regarding whether an incident is reportable then you are encouraged to notify the matter to CNA as a precaution.

24 Hour 7 Day Consultant Helpline



In the provision of healthcare, you will encounter unexpected issues which don't always arise during normal business hours and may require a rapid turnaround or even an emergency response. As a Policy Holder with Challenge you have access to our in house dedicated phone and e-mail helpline service. Consultants should be aware that the helpline is not merely there to assist with medical malpractice claims, inquests and fitness to practice inquiries, it is there to assist you with patient complaints, complaints to the Medical Council, the management of adverse clinical outcomes, risk management and governance issues and any matters which impact on your day to day practice. It is a 24 hour helpline which is manned by people who are there to guide, assist and support you through the ever increasing medico-legal and organisational governance complexities of every day practice.

The number of the Helpline is **085 8065794**



Consultant Online Portal

All Challenge clients also have 24 hour, 7 day communication channel and access to their insurance documents via our online client portal at

www.challenge.ie