

# FACULTY OF FORENSIC & LEGAL MEDICINE

of the Royal College of Physicians of London



Registered Charity No 1119599

## President's Report for Annual General Meeting – 10 May 2019

It is now 13 years since the FFLM was established under the aegis of the Royal College Physicians London (RCP(L)), as a charity with the objectives to promote for public benefit the advancement of education and knowledge in the field of forensic and legal medicine (FLM), to establish a national and international career pathway in the specialty, and to develop and maintain the highest standards of good practice and ethical integrity. Furthermore, to act as the authoritative body, as there is no other, for consultation on educational/public interest matters in relation to forensic and legal medicine. The Faculty has progressed on all these fronts.

There have been many changes since the last Annual Conference and AGM, not least in the area of applications to the Faculty for membership and fellowship, as well as national issues of increasing workload, workforce concerns, the NHS long-term plan and the remaining uncertainty of the effect of an EU exit on medical practice. These issues have largely been summarised in my regular monthly message in the Faculty's Bulletin.

### National

In September, the demitting President of our parent College, the Royal College of Physicians (London) [RCP(L)], Professor Jane Dacre was awarded DBE in the Birthday honours and handed over to the new PRCP, Professor Andrew (Bod) Goddard. This honour was well deserved for a President who had supported the junior doctors during their strike and in the crisis in relation to ST3 recruitment, both now resolved to some extent. Professor Dacre was also contributory in persuading the Prime Minister and Government to remove the restrictions on healthcare workers from overseas wanting to work in the NHS. She will now be leading the Gender Pay Review in Medicine to which the Faculty and I have contributed. Professor Bod Goddard has had a tough time, not least with discussion of the exit from the EU and the RCP's stance on assisted dying to which the Faculty contributed. I would like to thank Prof Dame Jane Dacre, the PRCP and the Registrar, Professor Donal O'Donoghue for their support of the Faculty, and particularly for regularly consulting on forensic and legal medicine issues in the RCP Council and wider, and for supporting the application as a new medical specialty. The RCP Registrar contributes regularly to our Board meetings, advising on the challenges which arise from time to time.

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## The Faculty

Sadly, we heard that on 12 January 2019, Dr Michael Wilks, our much valued previous Registrar, lost the battle with prostate cancer. On 05 April his memorial was held in the beautiful setting of the Royal College of Physicians Library, organised caringly and splendidly by his widow, Sandy McLean-Wilks, with moving talks by several family members including one small grandson, and a wide range of colleagues from all areas of his life. All attested to the fact that he lived a life of principle, tempered with kindness, and that important, but rare ingredient - the human touch.

In this last year, we have consolidated the work of the many Committees within the Faculty, with the Academic Committee, Senior Officers and Vice Presidents and Membership and Fellowship Committees reporting directly to the Faculty Board and others reporting indirectly through the Academic Committee. We have progressed the face of FLM not only through the Membership examination, courses and guidelines on the website but also through attendance at the Academy of Medical Royal Colleges (AoMRC) and RCP Councils, attended by all other medical specialities. Through its Vice Presidents (VPs), the Faculty has had other influence - VP for General Forensic Medicine, Dr Andrew Wilkinson involved in revalidation; Professor Robert (Bob) Forrest, VP for Medical Coroners on coronial issues and education of coroners; and VP for Medicolegal Medicine (MLM) doctors and Dentolegal Advisers (DLAs), Dr John Holden, in relation to the changes in the Clinical Negligence Scheme for GPs and Brexit issues.

The education and training programs of the Faculty have been ably directed by the Academic Dean and the Academic Committee, and the President-elect has been busy with the Faculty's Forensic Science Committee and re-establishing the Faculty's course in general forensic medicine, with excellent attendance and good feedback. She has also undertaken a vast amount of work and has successfully established its accreditation with the University of Teeside. This accreditation means that employers can draw back funds from the government's apprenticeship levy scheme.

The work of the Faculty is very much promoted by the use of WebEx for Conferences/Committees/Working Parties and this is working well, husbanding the

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expenditure and increasing attendances of Committee members, which are now recorded on a database.

The Membership/Fellowship Committee (MFC), now established, has had four meetings in the last year. Although there has been some drop out of previous members [100], this has been predominantly of affiliates and because of the work situation, particularly for GFM; an issue that we will need to address in the coming year. I am pleased to welcome many new members and fellows in different categories [63]. I am grateful to the Assistant Registrar, Dr Alex Gorton, for his work in amending the guidance for applications and streamlining the application forms which has greatly assisted the work of the MFC.

Importantly for the Faculty, and causing a headache for the Medical Defence Organisations (MDOs), has been the transfer of responsibility for clinical negligence claims against general practitioners to the government. On 1 April 2019, the Clinical Negligence Scheme for General Practitioners was established, dealing with clinical negligence claims against GPs as the Clinical Negligence Scheme for Trusts has dealt with claims against secondary care doctors. This will likely affect the revenue and subscription from GP members of all three MDOs, who have previously been responsible for claims in clinical negligence against GPs. The reorganisation and negotiation with government for each of the MDOs is likely to affect the number of MLM/DLA clinicians appointed in the future and the educational programs run by the MDOs. It is encouraging that Senior Dentolegal Advisers, appointed under foundation Fellowship status, are currently assisting the Academic Dean and Chief Examiner in setting questions for the MFFLM examination ready for 2021.

I am also delighted to welcome three new Honorary Fellows. Professor Robert Flanagan is Consultant Clinical Scientist, Precision Medicine, King's College Hospital NHS Foundation Trust and Visiting Professor in Psychosis Studies, Institute of Psychiatry, Psychology and Neurology at King's College, London. He is author of over 250 scientific articles and four books on Analytical Toxicology including the seminal study of sudden deaths associated with Clozapine. He is an immediate past-President of the British Academy of Forensic Sciences. Professor John Cooper, a doyen of veterinary forensic practice in the UK and well known for over 100 peer reviewed publications and author of two books on forensic veterinary practice. He started life as a field naturalist, trained as a veterinary surgeon and studied to become a specialist comparative pathologist. His particular interest is the

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mechanism of disease in different species and the application of this knowledge to the diagnosis of disease and to the provision of sound forensic advice and opinion. Dr Margaret Cooper is a lawyer, who qualified originally as a British solicitor and has made the study of animal and conservation law her special interest. She lectures and writes on the law relating to animals and allied subjects, including wildlife and veterinary forensics, often in conjunction with her husband.

Members may remember from the last AGM that a service level agreement for provision of human resources services was transferred from a previous provider. I am very grateful to Liz Lawton, Head of Human Resources and People Development at the Royal College of Nursing (RCN), who has been very supportive in relation to a number of management issues in the Faculty and in ensuring robust job descriptions for all of the Faculty staff, Senior Officers and Vice Presidents.

The Bulletin updates members and fellows as to the actions of the Faculty on a weekly basis in terms of courses, examinations, new and updated guidelines and a monthly President's message, which aims to update on wider issues nationally and internationally. Readers of the Bulletin may be aware that Sandy McLean-Wilks and Jo Fearn have been active in assisting with Press statements and the publicity of the Faculty, and regular communications via social media on a weekly basis. A Press release in January on the Progress on Deaths in Custody report again raised concerns at the lack of progress in relevant areas of custody care, although it was somewhat overshadowed by EU issues at the time. A report on Metropolitan police custody issues where, although the inspectors found many positive features in custody suites, they identified poor strategic oversight of the provision of healthcare, that the outcomes for detainees were inconsistent and that not all detainees received prompt access to medical care. These are areas which have also caused the Faculty concern for some time. The President-elect and I have been discussing the strategic and business way forward for the Faculty in the coming years with the Director of Communications at the AoMRC, and as a starting point will institute a questionnaire to determine what are the key issues of concern to our members and fellows, as well as to promoting a higher media and Press profile.

In January, the NHS England long-term plan (NHS LTP) was published and we had the first of two meetings with the Secretary of State for Health and Social Care (SSHSC), Matt Hancock, who took over from Jeremy Hunt in the July government reshuffles. Of particular note for our specialty, and also a concern for paediatrics,

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obstetrics and gynaecology, reproductive medicine and school dentistry, was the lack of commissioning of services through the NHS, which is important in setting appropriate standards, quality of care and training. Further development of the NHS LTP will be led by Baroness Dido Harding, the NHS Improvement Chair, charged by the Prime Minister and SSHSC with overseeing the implementation of the workforce strategy announced in the NHS LTP. An overriding issue is that the workforce strategy has to be accompanied by new funding from government given that resources for growing a workforce are not accounted for in the NHS LTP. Discussions were in the context of an acute shortage of doctors and centred on potential support for an expanded non-medical clinical work force. This has been reflected in the Faculty by a report on New Care Models of Working, a report authored by Professor Jason Payne-James, the previous FFLM President, and more recently amended to include consideration of the NHS LTP which came out after his report. Clearly caveats are required regarding the need for such professionals to be regulated, accountable and not to undermine the role of doctors or the role of doctors in training - important in our specialty too.

The Journal of Forensic and Legal Medicine (JFLM) has been developed over the last 12 years by Professor Jason Payne-James, who has increased its content, circulation and its citation index substantially. I would like to express my and FFLM's sincere thanks for having carried out such an excellent development. We are delighted to welcome the new editor, Professor Tim Thompson, who is Professor of Applied Biological Anthropology and the Associate Dean (Learning and Teaching) in the School of Science and Engineering at Teesside University. He and the publisher, Alex Smith from Elsevier, will be seeking to expand the ethic developed by the previous editor to explore the principles of medical care and forensic assessment of adults and children in contact with the judicial system and especially to further develop a peer reviewed hybrid journal with a broad international perspective. Professor Thompson will be talking on this subject at the Annual conference this year.

## **Special Advisory Committee (SAC) in forensic and legal medicine**

The Part 1 Application for specialty status for FLM was submitted in June 2019 to be considered by UK Medical Education Reference Group (UKMERG). Disappointingly, this Committee wrote in November to let us know that consideration of the application was being delayed pending the GMC's public consultation on

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credentialing. The Faculty had an input directly, and through the Joint Royal College of Physicians Training Board (JRCPTB), the BMA Forensic Science Committee, the BMA and the AoMRC, to comments on credentialing, which the GMC itself, accepted in 2009, would not take the place of accreditation of a new specialty in forensic and legal medicine. At a recent meeting in March with the new GMC chair, Professor Dame Clare Marx, and the Chief Executive, Mr Charlie Massey, there was an indication that credentials were simply to provide flexibility for trainees and doctors who may wish to change career path and should be limited in any specialty.

The SAC now has wide representation and we are delighted to have two doctors in training in sexual offence and general forensic medicine, Dr Oxley and Dr West respectively, who have already had important suggestions for the SAC and the development of the Part 1 and Part 2 Applications.

A working group chaired by Dr Roger Palmer, Medicolegal Consultant at the Medical Protection Society, has been looking at the issue of generic and specific capabilities in practice (CiPs) and the curriculum in forensic and legal medicine in preparation for the Part 2 Application. Six generic CiPs have been approved by the GMC and will be shared across all physician specialties including FLM. Seven core FLM CiPs are envisaged to be undertaken to prescribed levels, using the GMC approved template for internal medicine from 'entrusted to observe only' to 'entrusted to act unsupervised'. Further discussion will now be needed to consider the run-through training program to establish how this could be adapted to the different FLM training programs and alternative ways of providing this training, in addition to, or replacing the more usual clinical attachment; for example an e-learning module with face-to-face courses.

## **Royal College of Physicians (RCP)**

The Faculty has contributed in discussion at the four RCP Council meetings which have occurred in the last year. Most particularly and recently on the topical issue of assisted dying, and the survey of members and fellows of the RCP as to the stance the RCP should take on this. This has been the subject of a High Court injunction, from those detracting from this plan, which was aimed to prevent publication and debate of the survey results and was withdrawn 15 minutes prior to the commencement of the Council where the results were announced. Importantly, the RCP survey decided by a supra-majority that it would maintain a position of neutrality

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on the question as to a change in the law to permit assisted dying. It was notable that the Vice President for Clinical Oncology in the Royal College of Radiologists (RCR) and Present-elect, Dr Jeanette Dickson, reported that the RCR had run a similar survey in parallel with the RCP and that the RCR would not hold its position on neutrality and simply provide a factual response report. She advised that free text responses had been similar in tone to those received by the RCP.

Other discussions centred around exit from the EU and particularly in relation the supply of medications and medical devices.

## **AoMRC**

There have been four council meetings and a one day Council policy meeting since the last AGM, where a wide range of topics were discussed, but with particular focus on junior doctor training and retention, and programmes which allow more flexibility in their training programmes; workforce issues; the NHS LTP and digitalisation of medicine, favoured by the current SSHSC, Matt Hancock.

More recently, issues of medical leadership and how to persuade more doctors to take CEO positions in NHS Trusts have been raised, as well as work in the Genomics Committee and how to progress this in the NHS. Most recently the state of social care has been considered, with a presentation by Simon Bottery of the King's Fund. The latter have held several breakfast meetings throughout the last year to discuss Sustainability and Transfer (STP) programmes and Accountable Organisations (ACO), all addressing greater integration of care to improve quality of patient care, the patient experience and outcomes, also noting the difficulties in care of the elderly and provision of adequate social care. The overall focus and delivery of such plans were still unclear.

As an elected member of the Board of Trustees of the AoMRC, I have been involved in detailed discussions of the financial budget and instrumental in promoting a template for research proposals to be undertaken by the AoMRC with accountability for funding and stated time frames for each future project.

There have been many meetings with other Presidents, amongst others with Professor Jo Martin PRCPPath, Professor Wendy Burn, PRCPsych and Professor Russell Viner, PRCPCH on common interests and concerns. I have also represented the Faculty at the many meetings of the Medical Examiners Committee

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of the RCPATH, chaired by the newly appointed National Medical Examiner, Dr Alan Fletcher, a consultant in Emergency Medicine, reviewing and validating the e-learning modules available on the RCPATH website and face to face training, which all Medical Examiners will have to undertake. As you may be aware, the Medical Examiner role came into force on 1 April 2019. It should be noted that the David Jenkins Research Professorship for 2018-2019 is Dr Suzy Lishman CBE, past President of the RCPATH and the genius behind the e-learning programme for Medical Examiners - the subject of the David Jenkins lecture at this year's Annual Conference - a keynote lecture not to be missed.

## Acknowledgements

All the work of the Faculty, meetings with external bodies and Colleges, the examinations system and Faculty guidance would not be possible without the exceptional commitment and resilience of the staff in the Faculty office – Janine Wise - the Learning and Development Manager, currently covering Tessa Lewis's maternity leave; Charlene Campbell – Finance and Membership Manager supporting the Treasurer; and Jay Barton Costa - Examinations Manager for arrangements in respect of applicants for the MFFLM and Diploma examinations.

I would like to thank the Registrar and Assistant Registrar for work in ensuring the continuity of roles and work in the Faculty and to welcome the new Senior Officers and VPs elected and appointed. After the AGM, the new Academic Dean will be Mr Brian Westbury. After a long career in dental practice, both NHS and private, with periods in hospital and community dentistry and involvement on many of the dental local and national committees, he has been a senior dentolegal advisor for the last 20 years with Medical Protection. Dr Susan Waterworth, Clinical Lead for Total Healthcare, and NHS provider of custody and SARC services, has agreed to take over the role of Treasurer. Three new VPs have been elected, Dr Michael Devlin is VP for medicolegal medicine doctors and dentolegal advisors. He is Head of Professional Standards and Liaison at the Medical Defence Union (MDU) and well known to the Faculty, having been a past Treasurer. Dr Fiona Wilcox, VP for Medical Coroners, was recently elected to Fellowship of the Faculty and has been involved in several key inquests in the public eye, and VP for General Forensic and Sexual Offence Medicine, Professor John Farnan MBE has been a Forensic Medical Officer since 1983. He was co-founder of the Diploma and Masters degree course in Forensic and Legal Medicine in Ulster University, which was a conduit to Faculty

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Membership until the formal Faculty Membership examinations were introduced. John was on FFLM Council for a number of years, and has been an examiner for the Faculty since the inception of the examinations, and is currently Deputy Chief Examiner for the Membership examinations.

I would particularly like to thank the demitting Academic Dean, Dr Bernadette Butler, for her sterling work with examinations, setting standards and in effecting new and updated guidance on clinical practice in forensic and legal medicine. Her chairing of the Academic Committee meetings has brought an excellent balance of work in progress and achievement despite having enormous agendas and documents to review. This was an exceptional contribution, as this work was additional to her busy day job at the Haven and also commuting regularly as Medical Director of a SARC in Gloucester.

I am also grateful to the demitting Treasurer, Dr Daniel Haines, who had has been the voice of reason and caution in relation to Faculty expenditure and monitoring the Faculty's investments. I have also greatly appreciated the input and contributions of each of the VPs, Dr John Holden for MLM doctors and dentolegal advisors, Professor Robert Forest for Medical Coroners and Dr Andrew Wilkinson for GFM/SOM doctors - my sincere thanks to them for all their commitment and support.

Finally, to wish my successor, Dr Margaret Stark, an enjoyable time in her presidential role.

On a personal note, I have been exceptionally privileged to work with so many experienced and talented colleagues - I shall miss you and wish you all the best for the coming year.

**Professor Carol A Seymour**

**President of FFLM**

**May 2019**