Martha's Rule: Easier Access to Second Opinions in NHS Hospitals

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It has been reported that hospitals in England will be offered funding from April 2024 to introduce "Martha's rule". This would mean that seriously ill patients would have easier access to a second opinion if their care worsens.

The rule follows a campaign by the parents of Martha Mills, who was 13 when she died of sepsis because her symptoms were missed. The pleas of her parents for a review of her care following her significant deterioration were ignored.

Hospitals will have to apply for the funding to roll out the process. It is not compulsory.

Implementing Martha's Rule

"Martha's rule" would work by participating hospitals displaying posters and leaflets informing patients and their families that they can ask for a "rapid review" of treatment. This is requested of a specialist team of critical-care medics, a senior doctor or nurse from elsewhere in that hospital who specialises in caring for deteriorating patients.

Martha's parents believe that a review of care following her deterioration would have saved their daughter's life.

From speaking with our clients, we know that many of them are unhappy with the care they received in hospital. They have often asked for a review of their care, which has not happened. We also know that patients' families are often desperate for a review of care when they see their loved ones' health deteriorating despite being in hospital.

As a patient, you already have a right to a second opinion if your condition deteriorates. Still, it is not often easy to arrange, and there is no set process for this, with hospitals each dealing with such requests differently. In many cases, our clients tell us that they weren't in a state of health or mind to "battle" with doctors and nurses who are already stretched to breaking point and request a second opinion because they felt their condition was deteriorating. We hear this, most notably from the families of patients who have died in hospital.

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The clinical negligence team at Lester Aldridge are pleased to hear that the NHS are committed to rolling this out. When we take on new cases, we already seek disclosure of medical records, complaints, and risk management documents. From April 2024, we will also be noting which hospitals are participating in Martha's Rule and asking for that information if our clients or their families made the request. It will form a crucial part of the argument on behalf of our clients.

Melanie Lidstone-Land, Senior Associate and clinical negligence lawyer says, *"I can think of so many cases past and present where either my client or their families were desperate for a review of care following deterioration. It is so difficult in those moments to be assertive in an environment that feels so pressured and that the medical professionals, perhaps, don't have the time to consider your views. Having a prescribed process for this that is well-publicised and easily accessible could clearly save lives. I sincerely hope that hospitals embrace this and move forward with it."*

The Medical Negligence team at Lester Aldridge is dedicated to seeking resolution for patients and their families when medical care goes wrong. They approach each case with understanding and a determination to get to the root of what went wrong and how their clients can be compensated for those mistakes.

Contact us

For further information, please contact us at online.enquiries@la-law.com or call 01202 786260 to speak to our Personal Injury & Medical Negligence team.

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