

Tuesday 24 October 2023

Shared decision making - A clarification from the Supreme court, on the Montgomery Decision regarding the discussion of alternative treatments with patients A corner stone of realistic medicine is the use of Shared Decision Making (SDM). This is not just about involving the person receiving healthcare in the decision-making process, but about ensuring the decision reached is a good decision for them, based on a wide range of factors. When this is robustly used, there are a number of proven benefits for the individual, the healthcare professional, the organisation and, potentially society.

In *Montgomery v Lanarkshire Health Board* [2015], the Supreme Court held that a doctor "is under a duty to take reasonable care to ensure that the patient is aware of any material risks involved in any recommended treatment, and **of any reasonable alternative or variant treatments.**" This had the potential to cause difficulty for SDM as it may have been interpreted to include the discussion of treatment options without a reliable evidence base, which is directly opposed to one of the founding principles of SDM. In a recent appeal, the Supreme Court was asked to decide what test should be applied when assessing whether an alternative treatment is reasonable, and therefore requires to be discussed with the patient.

Specifically, are health care professionals under an obligation to discuss all treatments that the patient (or later a Court) may consider reasonable, or just those that are reasonable in the professional judgement of the practitioner supported by a body of medical opinion? (the *Hunter v Hanley* test)

The decision was that a healthcare professional who has judged that a treatment is **not a 'reasonable alternative'** for a particular patient will **not** be negligent in failing to inform the patient of that treatment, provided their view is supported by a responsible body of medical opinion.

We hope this decision proves helpful in clarifying the expectation for discussing alternative treatments in a SDM context. For those interested in further information on SDM Turas learn has an e-learning module accessible here: [Realistic conversations: shared decision making in practice | N \(scot.nhs.uk\)](https://scot.nhs.uk/realistic-conversations-shared-decision-making-in-practice)

eESS Scheduled Downtime The eESS system, including Manager Self-service, will be unavailable from Thursday 2 November until the morning of Tuesday 7 November, as agreed through the eESS National System Governance Group. This update is scheduled to provide necessary updates to the system and where possible, consideration has been given to minimise the impact on essential users.

Please ensure all transactions relating to the November payroll run are completed and authorised on Manager Self Service no later than 1pm on Wednesday 1 November 2023

If you have any queries surrounding the scheduled downtime, please contact Alice Black, eESS System Manager.

Weekly pay for bank workers Thank you to everyone who took the time to complete the surveys looking at the test of change offering weekly pay for bank workers. Across the two surveys (one for workers, one for managers) we had a total of 2161 responses. Your feedback is being used to develop a paper on the next steps; in the meantime, we can confirm all bank workers will continue to be paid weekly for the time being. We will share further updates via this brief.

Scottish COVID-19 inquiry The Scottish COVID-19 inquiry held its opening session today. This inquiry is separate to the national inquiry and will only investigate pandemic policy areas under the direct control of the Scottish Government. Further information, including a hearings schedule, is available on the inquiry website: [Scottish COVID-19 Inquiry \(covid19inquiry.scot\)](https://covid19inquiry.scot)

ClinicalKey taster session Library colleagues are running a 30-minute taster session on a clinical knowledge solution system, [ClinicalKey](#) at 2pm on Thursday 2 November with developers Elsevier. Clinical and information colleagues from across health and social care in Grampian are invited understand how to get the best out of this product - email gram.drgrayslibrary@nhs.scot for a joining link.

Child Health Commissioner's newsletter The latest newsletter from Tracy Davis, our Child Health Commissioner, is available to read via this link: [Child Health Commissioner's Newsletter \(office.com\)](#)

P&J Live ticket offer Two for one tickets are on offer for Vampires Rock – Day of the Dead, taking place on Monday 30 October. Steve Steinman brings you a night of classic rock featuring the Day of the Dead Symphonic Rock Orchestra. A full cast of singers, dancers and some of the best rock voices in the country will perform the greatest rock classics including Metallica, Evanescence, Disturbed, Alice Cooper, Iron Maiden, Queen, Meat Loaf, AC/DC, Guns 'N' Roses and many more. You can snap up your tickets via this link: [Tickets: Steve Steinmans Vampires Rock Day of the Dead Symphonic Rock Orchestra, Aberdeen | Mon, 30 Oct 2023, 18:00 | Ticketmaster UK](#). As a reminder, NHS Grampian is not responsible for these tickets offers, we simply share them with you. The organisation does not profit from them in any way.

Tune of the day A shout out to the payroll team, coming through with today's suggestion of Fairground Attraction and [Perfect](#) (anyone suggesting they promised me a little something extra in next week's pay packet in exchange will be hearing from my solicitor) (EP)

If you want to request a tune, follow up on items included in this brief, or suggest an item for sharing, drop us an email via gram.communications@nhs.scot