



Doctors' Policy Research Group

Medical Failings Amongst Medical Managers

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Last year, the world celebrated the life of Nelson Mandela, a man largely credited with dismantling apartheid in a peaceful fashion. He is widely considered as the most popular and successful international leader of all time.

In the same year the serious failings at a number of NHS trusts in England came to light. The very public campaign at Mid Staffs, led by the brave and resourceful Julie Bailey CBE, led to the Francis report. A shocked and worried British public waited for a response promised by the Department of Health but none has ensued: loads of rhetoric but little action. A number of doctors held management positions in these trusts and allowed the “target culture” to override their clinical concern.

Another great South African was the Black Consciousness Movement Leader Steve Biko. The South African Government, fearful that he might unite the various Black political movements into a single party, acted to repress him and ultimately take his life.

Steve Biko was arrested without charge and died on the 12th of September 1977, as a result of a savage beating by the South African Police during his incarceration. As complicit as the police in his death, were two white South African doctors, Dr Ivor Lang (District Surgeon), and Dr Benjamin Tucker (Chief District Surgeon). Biko, already showing the evidence of a violent assault and slurring his speech, from what we now know was the result of a brain hemorrhage, was seen by these individuals in the hours leading up to his death.

Dr Lang, the district surgeon, could find nothing wrong with Biko despite the fact that he found him in a daze with a badly swollen face, hands and feet. This doctor alleged that Biko was "shamming". Dr Tucker was called in for a second opinion and suggested that Biko be taken to hospital. The police, fearful that this might expose

Biko to doctors outside of the police network, objected to him being admitted to the local hospital. Dr Tucker and Lang acquiesced and agreed to send Biko on a 1200 kilometer journey from Port Elizabeth to Pretoria, without supervision, to a prison hospital. This was an institution controlled by the State that could continue to hide the truth about his condition. He was driven naked, manacled and unconscious across the country. When he arrived in Pretoria there was no medical report and the admitting doctor set up a drip and gave him a vitamin injection. Biko died in this cell a few hours later. This courageous individual died on the 12th September 1977 in the most appalling circumstances. His senior counsel, Sydney Kentridge QC said in court, "a miserable and lonely death on a mat on a stone floor in a prison cell".

The South African Government responded by declaring that Biko had died as a result of a hunger strike. The Minister of Justice, Jimmy Kruger, announced this as a cause of death. He uttered his infamous line that "Biko was a dangerous terrorist whose death was of little concern to him and left him cold."

Another brave South African, Dr Jonathan Gluckman, a senior pathologist, who had carried out the post mortem, leaked the results to Allister Sparks the editor of the Rand Daily Mail, a left wing newspaper. This showed that Biko weighed 85kg at the time of his death, making him slightly overweight. It also concluded that the cause of death was brain damage. Gluckman asked Sparks not to name him or it would prevent him testifying at any future inquest. Had he been named, Gluckman would have been under serious threat of death at the hands of the security apparatus.

Sparks, desperate to publish without revealing Gluckman as his source, decided to target the doctors who had seen Biko, to see if he could get them to say something that might allow him to publish an article refuting the story about the hunger strike. He assigned Helen Zille to the task. She was then a junior reporter whom Sparks judged to be very talented with an eye for detail. Zille is now the leader of the

opposition party in South Africa and Premier of the Western Cape. She continues to be a thorn in the side of the Government, ironically now the African National Congress (ANC), the very party she supported at the time.

She flew to Port Elizabeth to confront the doctors. Tucker refused to answer any questions and forcibly evicted Zille from his home. Lang was extremely angry and threatened to set his dogs on her if she did not go away.

Sparks then published an article questioning the cause of Biko's death. Despite enormous Government pressure against an inquest, the article precipitated an international outcry, ultimately leading to one. Dr Gluckman was the principle witness at this and the true story of this horrific chapter in South African history poured out. I can remember reading the daily reports that day-by-day revealed the circumstances behind the death. The presiding magistrate tried to continue the cover up with a finding that Biko had died of brain damage but that no one was to blame for it. No sanction was taken against the doctors involved by the South African Medical and Dental Council!

However, the inquest records—now in the public domain—allowed a group of South African Doctors to raise money and take the South African Medical and Dental Council to the Supreme Court and force them to revisit the case around the Biko doctors. They used senior members of the profession with track records of opposing the Government as the accusers. Prof. Francis Ames, Prof. Philip Tobias, Prof. Trefor Jenkins and Prof. Variava challenged their decision to exonerate these doctors. The resulting win forced the council to call the doctors to a disciplinary hearing, which led to one receiving a severe reprimand and the other being removed from the register. This process took six years.

The state mechanism had denied the crime, lied about the truth and tried to pass off

the death as a result of a hunger strike. The State protected the doctors as they had acted to protect state interest. Little thought was given to the agony of Biko or his family. These doctors had failed him as much as if they had given him the incorrect dose of a medication.

What we witness in the case of the Medical Directors of the failing trusts is a Government willingness to protect those most loyal to the political cause. These individuals, who held a position of responsibility to their patient, failed in their duty by prioritising the requirements of the State or the Department of Health. These Medical Directors in the above Trusts and indeed in many other failing Trusts should at the very least be called up by the GMC, and most certainly should be prevented by law from holding any further management positions in this country.

Dr Benjamin Tucker behaved in a despicable fashion. His treatment of Steve Biko was inhumane. His response to questioning by Helen Zille was arrogant and his humility non-existent.

Such an attitude is always questionable. What sort of lingering conscience abides after the event, especially after regime change? I believe that unless the GMC treats the Medical Directors of the failing trusts to the same scrutiny as they do "other" failing doctors, the entire edifice of the GMC comes into question. Hearing a doctor's case by the GMC should not revolve around whether the case has a realistic chance of being won by the GMC, but rather whether the doctor is a risk to patients.

Time brings change. Sometime this is easy and at other times it brings us to a realization. The Biko Doctor Benjamin Tucker was initially arrogant, unrepentant and smug, and then became aggressive to a young female investigative reporter. He thought that his response was acceptable because he had the support of the state behind him. At the time he showed no signs of contrition or regret.

To quote from Allister Sparks (former editor of the Daily Mail, which initially exposed the crime and then covered the inquest) ,

“The abiding lesson in all this is that ethics is not just an ethereal subject for intellectual debate. It is an essential practice in all professions and indeed in all life. It is an organic necessity for the proper functioning of a democratic society. It must be inculcated and practiced and constantly safeguarded, for its slippage can quickly take a society down a Gadarene slope.”

This should serve as a reminder to any doctor who puts targets ahead of outcomes and relegates patient care to second place in pursuit of short-term financial or career gain.

The disgraced Dr Benjamin Tucker, at the time that Helen Zille tried to elicit details of Steve Biko’s death, was aggressive and dismissive.

Years later, Tucker sought reinstatement to the medical register. This initially very aggressive, unrepentant servant of the state wrote,

‘I came to realize, that over a period of 30 years I had been employed as a district surgeon, I had gradually lost the fearless independence that is required of a medical practitioner when the interests of his patient are threatened. I had become too closely identified with the organs of the state, especially of the police force, with which I dealt practically on a daily basis.’

Doctors and Medical managers all over the United Kingdom should reflect on this story. When the wind changes, the action of individuals comes under closer scrutiny and are often found to be lacking. The GMC has refused to review a single Medical

Director from Mid Staffs or any of the other failing trusts. I truly hope that this is not at the request of the Department of Health or The Secretary of State for Health, as this would be putting the mechanism of State ahead of the patient.

As physicians, our only responsibility is to the patient.

About Us

Doctors' Policy Research Group is the first and only UK think tank led by doctors. Formerly known as Doctors Think Tank, it pooled resources and expertise with Civitas in June 2013 with the aim of contributing to public debate about the provision of NHS services. It is not a union and - like Civitas - has no allegiance to any political party.

Its members wish to encourage a vigorous discussion about the future of the UK's healthcare, and how it can be provided to the very highest standards, while always ensuring comprehensive provision remains free at the point of need and with the patient's interest the foremost consideration at all times.

The group's dedicated page can be found [here](#), while its work pre-dating its association with Civitas can be found at its own website [here](#).

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He was appointed the Ethicon travelling Professor in 2004 as well as the Sims Black Professorship of the Royal College of Obstetricians and Gynaecologists for 2005/6. In 2006 he was awarded a travelling Professorship to the Royal Australian and New Zealand College of Obstetrics and Gynaecology.

He is a reviewer for the British Medical Journal, the British journal of O&G, Neurology and Urodynamics, the International Urogynaecology Journal and The Journal of Rehabilitation and Research.

Mark qualified in Johannesburg at the University of the Witwatersrand. He then completed his postgraduate training at the University of Cape Town and Groote Schuur hospital. He graduated from the College of Medicine of South Africa winning the Daubenton Gold Medal as the most successful candidate for the Fellowship in Obstetrics and Gynaecology.
