

How to handle negative online reviews

Ms Dee Duffy, Risk Lead Counsel with Medisec, advises on what to do in the event of a patient posting an unfavourable review on the Internet

Increasingly, many patients consider healthcare services akin to a consumer service and want to rate their doctors online. Anecdotally it seems patients are more likely to leave negative reviews than positive reviews, which means that one or two negative reviews can overshadow the views of the thousands of other satisfied patients.

Sometimes, patients choose to share negative experiences about their doctor on their own social media pages to be seen by their friends, family, and the wider internet community. It can happen that other patients comment on the post, leaving negative or disparaging remarks, adding insult to injury.

It can be very upsetting for doctors to read public negative reviews posed online. Ideally, a patient would discuss any issue they may have with the doctor or the practice, rather than post online and it is important to have a complaints policy in place to allow patients this opportunity.

A review can be an impulsive reaction to a difference of opinion, or it can be a more considered opinion of long-term care. A patient might disagree with a diagnosis/treatment plan or a refusal of a request for medication. They might feel that a doctor's manner or attitude was uncaring or unprofessional.

In some cases, the patient's review may be directed at issues beyond a doctor's control such as delays in appointments. In particular, due to the Covid-19 pandemic, patients may be upset with busy phone lines or restrictions on face-to-face consultations.

Some posts can be exaggerated, unfair or simply untrue. If anonymous, it may be impossible to verify who made the post or if it was even made by a patient. Other times, doctors will be able to identify the poster, even if anonymous.

Whatever the reason for the negative review, the opportunity for reflection and improvement should not be lost. Often small painless changes can make a big difference to patients and their perception of the doctor or the service they receive.

Every case is different and when deciding how best to deal with the review, doctors should consider factors such as: Their knowledge of the patient (where identifiable); the incident (if any) that led to the review and the contents/tone of what was posted.

Doctors have a duty to maintain professional standards in all communications including online communications. Doctors are also at a serious disadvantage when it comes to publicly responding to negative feedback online because of their obligations of confidentiality.

The Irish Medical Council's *Guide to Professional Conduct and Ethics* states that "patients are entitled to expect that information about them will be held in confidence. You should not disclose confidential information to others except in certain limited circumstances..."

Needless to say, responding to a negative online review is not one of those limited circumstances. Therefore, when faced with a negative post, it is impossible to give the doctor's side of the story without revealing personal information about the patient. Even acknowledging the fact that the poster is a patient is technically a

We recommend all practices have a robust formal complaints policy in place and ensure patients are made aware of how to make a complaint. If a patient expresses dissatisfaction, they should be directed to the policy



breach of confidentiality.

However tempting it may be, we strongly advise doctors not to respond online to negative reviews. See more on responding online below.

What should you do?

Talk to the patient

Where it is possible to identify the patient, we recommend contacting them to discuss their grievance directly.

It can help to acknowledge that while a patient has a right to post their opinion online, they should be reminded of the value and importance of having a relationship of mutual trust and confidence in their doctor. An essential means of managing and preserving that relationship is to have a complaints policy in place and the patient should be reminded of this and reassured that their complaint will be treated seriously and investigated fully. A doctor can express disappointment to the patient that they chose to post online about their experience rather than contact them directly to discuss.

Understandably, doctors may be reluctant to contact a patient who has written a negative or insulting review, but it can help to have a calm discussion to acknowledge the patient was unhappy and try and deal with the specifics of the complaint.

It is worth asking if the patient would consider removing the online review or at least amending it to reflect the effort to address the concerns.

Details of discussions with the patient should be recorded in the patient's records. This will be crucial in the event of a complaint to the Medical Council.

Take no action

In some cases, particularly if there is an element of fairness to the review and it is a genuine account of the patient's perception, albeit unfortunately negative, it may be best to take no action. No doctor can satisfy all their patients 100 per cent of the time.

This approach avoids the possibility of



inflaming a situation and risking a series of more negative posts. In some cases where the patient is not identifiable, it may be the only option. However, we would always recommend that a doctor reflect on the negative feedback and implement any changes or improvements to their systems, practice or manner that may be required.

Reporting via the online platform

While hopefully rare, sometimes obscene or abusive material can be posted about a doctor and it may be possible to report the post to the website service provider/social media platform asking for the information to be removed.

Most platforms have functions to report posts that include hate speech, spam, violent or inappropriate content, but are unlikely to remove posts simply because they are reportedly inaccurate or negative.

Before submitting any report, we recommend taking screenshots of the original posts in case it is necessary to refer to them after they are removed, eg, in a discussion with the patient or as evidence to investigate any subsequent complaint. It is also recommended to keep records of any communications with the online service provider.

Generic response to the online review/post

Due to obligations of professionalism and confidentiality, we recommend avoiding responding publicly to reviews left by patients online. In some limited circumstances, where the patient has posted anonymously and cannot be identified, it may be appropriate to post a generic standard response, referring to how the practice endeavours to provide a first class service to all patients and it is regrettable the poster was unhappy with the care provided. The response could ask the original poster to consider contacting the practice directly and referring to the practice complaints policy, emphasising that all complaints are taken seriously and investigated thoroughly.

Letter requiring a patient to remove a defamatory post

Some reviews or online posts may contain false statements causing injury to a doctor's reputation in the eyes of reasonable members of society. A statement is not defamatory if it is true or an honestly held opinion. In the case of reviews, which are completely

unfounded/defamatory, doctors should consider contacting their indemnifier for further advice and assistance.

In some cases, it may be advisable for the doctor to write to the patient asking them to remove the post. In other cases, the stronger option of a solicitor's letter in the first instance demanding the post be removed may be appropriate.

It is important to be aware that these options may have the undesired effect of provoking a further negative online review and the letter to the patient may even be exhibited.

Complaints policy

In our experience, the best way to avoid negative online reviews is to provide patients with another platform to make their complaints known. We recommend all practices have a robust formal complaints policy in place and ensure patients are made aware of how to make a complaint. If a patient expresses dissatisfaction, they should be directed to the policy. While it may seem counterintuitive to invite complaints, making patients aware of the policy is key to its effectiveness and it should be proactively communicated by way of posters/practice website etc.

A complaints policy allows for an open and consistent approach to communicating with patients, allowing for an apology or statement of regret when appropriate. A policy often has the effect of resolving complaints swiftly and efficiently to everyone's satisfaction, without patients having to resort to the Internet.

In Medisec's experience, negative reviews are thankfully rare, which highlights what a remarkable job doctors are carrying out on a daily basis in difficult and challenging circumstances. While an unfair negative review can cause disappointment and stress, it is important to take a step back and consider the recommendations above. Doctors should always feel free to contact their indemnifier for advice before taking any steps.

The contents of this publication are indicative of current developments and contain guidance on general medico-legal queries. It does not constitute and should not be relied upon as definitive legal, clinical or other advice and if you have any specific queries, please contact Medisec for advice.