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NHS TO BE 'JUDGE AND JURY' AFTER MEDICAL ERRORS

A new scheme which would allow the NHS in Wales to investigate its own clinical errors and decide whether or not it was at fault, could be a major blow for patients injured at the hands of negligent medics.

The Welsh Assembly Government's proposals could shatter injured patients' hopes of an independent investigation into what went wrong, according to lawyers acting for victims of NHS errors.

Denise Kitchener, representing the Association of Personal Injury Lawyers (APIL) in Wales, said allowing the NHS to investigate itself behind closed doors would be completely unfair to injured patients.

"People injured through clinical mistakes are entitled to find out exactly why and how things went wrong," she said. "Under these proposals, there is a blatant conflict of interest as the wrongdoer will be allowed to decide whether or not he was at fault, and we are extremely concerned that it will undermine patients' confidence in the validity of any investigation. The scheme's fairness and independence is highly questionable."

Under the proposals, the NHS will be allowed one year to come to a conclusion about a patient's case, and it will then present a report to the patient about its findings. The patient then has three months to decide whether to challenge the NHS' decision or accept it.

In its response to the Welsh Assembly' Government's consultation on the scheme, APIL also raises concerns about the lack of independent legal advice available to injured patients.

"It is imperative that injured people have access to legal advice," said Denise. "These cases are often complex and require independent, legal professionals to ensure patients receive the level of service they deserve. Under these proposals, though, patients will not have legal advice until the NHS has concluded its investigation and reported back to the patient."



Note to editors:

APIL responded to the Welsh Assembly Government consultation paper: Putting Things Right Consultation and The NHS (Concerns, Complaints and redress Arrangements) (Wales) Regulations 2010.

The consultation closed today, Thursday, 1 April, 2010.

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