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NHS changes treat the Welsh as second class citizens

Welsh people will be treated as “second class citizens” in comparison to their English counterparts if proposals by the Welsh Assembly Government are agreed, say legal reform campaigners.

The Assembly’s failure to heed advice on plans for the NHS in Wales to become the “judge and jury” of its own medical errors will result in the legal rights of injured Welsh people being restricted.

Not-for-profit legal reform campaigners the Association of Personal Injury Lawyers (APIL) had told the Assembly of its serious concerns about plans for the NHS in Wales to investigate its own clinical errors and decide whether or not it was at fault.

Several other bodies responded to a consultation with similar concerns, but the plans have continued to move ahead.

Under the plans, those with injury claims with a value of up to £40,000 will only have access to independent legal advice after the NHS has decided whether it would be liable. No such restrictions exist for injured people in England.

The plans, if agreed, will leave Welsh people for instance living in Newport with less chance of getting justice than those just 30 miles away in Bristol.

Brian Dawson, regional co-ordinator of the not-for-profit Association of Personal Injury Lawyers (APIL) in Wales, said: “There must be equal access to justice for England and Wales, not a two-tier system. Clearly it would be inappropriate to have a system which results in the Welsh being treated as second class citizens in comparison to those across the border.

“We believe that patients will see that there is a conflict of interest here and that the wrongdoer is being allowed to investigate himself. If so they will have no confidence in the validity of any investigation. The scheme must be seen to be fair and independent.”

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APIL believes the apparently arbitrary limit of £40,000 should be lowered to £25,000 to better represent the type of clinical negligence cases which could be fast-tracked. APIL also insists that fatal cases should be excluded from the new scheme from the outset.

Mr Dawson added: "The £40,000 figure seems to have been plucked out the air. These are not insignificant claims and would prevent some claims of a very serious nature being handled under common law. These cases are often complex and require independent, legal professionals to ensure patients receive the level of service they deserve."

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Note to editors:

- A Welsh speaking APIL interviewee is available on request
- APIL (Association of Personal Injury Lawyers) is a not-for-profit organisation, whose members are dedicated to campaigning for improvements in the law to help people who are injured or become ill through no fault of their own
- For more information or a full copy of APIL's response, please contact Chris Birkle, press and communications officer, t: 0115 938 8715, e: chris.birkle@apil.org.uk, or Jane Hartwell, assistant press and communications officer, t: 0115 938 8702, e: jane.hartwell@apil.org.uk
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