

**BRIEFING:
CLINICAL NEGLIGENCE SIG
MEETING
21 SEPTEMBER 2020**

Follow us @apil

**Clinical negligence claims
as a result of pandemic: call
for moratorium**

- NHSR: new clinical claims have *“dropped since restrictions relating to Covid-19 were put into place”*
- MDU research: *“70% think doctors, dentists and other NHS staff involved in providing treatment to patients during the Covid-19 pandemic should be able to do so without the risk of the NHS being sued for negligence.”*

- Government: *“In the unlikely event that [healthcare professionals] are involved in the novel delivery of NHS services that fall outside the scope of these state schemes, we have ensured that they will be covered by the indemnity provision under the Coronavirus Act 2020.”*

- Parliamentary questions last week: *will the Government set up a cross-party group to agree how claims resulting from the covid-19 outbreak are managed, and whether there will be an independent, expert advisory committee to oversee claims against doctors?*

APIL approach:

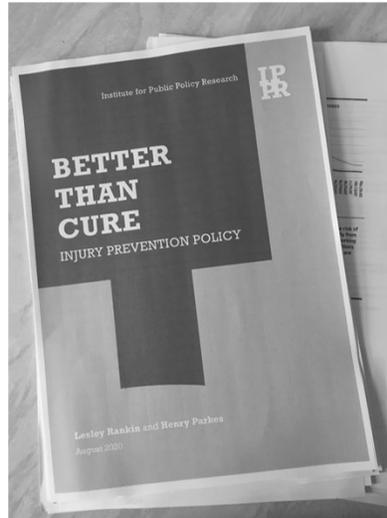
- Gather evidence for robust response when the time is right
- Research commissioned:
 - strong public support for the principle that those injured by the NHS should receive compensation from the NHS, even during the covid-19 pandemic

Consultation: Changes to human medicine regulations to support the rollout of Covid-19 vaccines

- Concerns:
 - Vaccines unlicensed
 - Government should underwrite and accept liability in the event of injury
 - Consumers should be properly informed
 - Vaccine Damage Payments Act not fit for purpose

This is just one of many consultations to which we are responding. If you would like to put forward views for any of our consultations, please make sure you read Weekly News for more details about ongoing consultations and how you can get involved.

Prevention of needless injury



- Injury prevention: key strategic aim
- Institute for Public Policy Research think tank report – APIL donation
- *Better Than Cure* calls for 'high-level cross-sector injury prevention strategy'
- 'A catalyst for action': Mike Benner, APIL CEO



Highlights:

- 28 MPs supported the campaign
- Press circulation of 717,000 (including the Daily Telegraph and the Daily Star)

- 2 million potential impressions on the #IPWeek2020 hashtag
- Video viewed more than 18,000 times
- Members wrote 53 blogs about injury prevention

Bereavement damages - update

- MoJ draft remedial order: couples who have cohabited for more than 2 years to be eligible
- Joint Committee on Human Rights echoes calls for wider reform

- APIL briefing says the law is not fit for 21st century
- Parliamentary debates in both Houses call for wider reform

The campaign continues!

Overseas Operations (Service Personnel and Veterans) Bill - update

- 6-year limitation long-stop on civil and Human Rights Act claims
- Intensive cross-party lobbying work
- 'Urgent question' debate

- Correspondence with minister
- Evidence provided to Joint Committee on Human Rights inquiry
- Second reading debate - briefing and amendments being prepared

Veterans UK

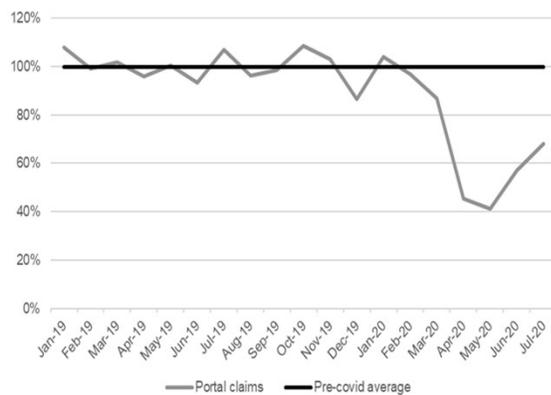
- Concerns raised with MoD about lack of information on civil claims on its Veterans UK website
- Emphasised the importance of explaining the need for independent legal advice

Guideline Hourly Rates

- Civil Justice Council sub-group looking at rates for first time since 2014
- Formal consultation at the end of the year
- APIL working group established to consider data collection and representation

Covid-19: impact on personal injury

- Claims portal statistics show claims fell dramatically after lockdown
- Some signs of recovery but some way off pre-covid levels



Keep in touch:

- Twitter
- Blogs
- Weekly News
- PI Focus