

## **NORTH WEST REGIONAL GROUP**

**25 MARCH 2021**

### **APIL ACTIVITY UPDATE**

#### **1. 200 WORD CHALLENGE**

In December we talked about APIL's major Rebuilding Shattered Lives campaign – a long-term campaign which aims to change hearts and minds about our clients and what we do for them. The ultimate objective is to create a level playing field for injured people so that they are treated fairly by Government, the media and society as a whole.

This is essentially a social media campaign and in the first few months it has attracted an extraordinary level of very positive support, already reaching more than a million people on Facebook, Twitter, LinkedIn and Instagram. Furthermore, it has not generated a single negative response. This is extremely unusual, especially in the field we're working in.

To keep this long-term project going we need lots of stories about your clients. They don't need to be long - all we're looking for are 200-word stories which focus on a client rather than the nuts and bolts of the case. We are looking for emotive stories which show the impact of the injury on your client's life and how your client's life was, or is being, rebuilt. We need to know:

- what happened to your client;
- how that injury affected your client's life;
- how your client's life has changed as a result of your help.

**A briefing is available, including an example to help you – just contact our head of public affairs, Lorraine Gwinnutt, at the email address on the slide, and ask for the briefing.**

## **2. ELECTIONS TO THE EXECUTIVE COMMITTEE**

Over the past couple of years, it's been noticed that some people who clearly have the potential to be part of the EC show initial interest in standing but then change their minds. This is usually because they think they are not senior enough to stand, or that they don't have enough experience.

If you are passionate about helping injured people and fellow APIL members, and about helping the organisation grow and develop, then you are perfectly capable of being a member of the APIL EC! The work is really varied and there are many ways to contribute, depending on your interests and skills: you can contribute ideas to consultations, parliamentary briefings, strategy development, lobbying and training, to name but few.

**Elections for EC members will close next Thursday, 1 April, so you will need to be quick!** If you are interested in standing, you are very welcome to call the APIL office and speak in confidence to Helen Blundell in the first instance about the process. Nominations are submitted online, and there is a short Q&A to complete. You can also record a short video to accompany your nomination.

## **3. DIVERSITY**

There is also a lot of work underway to encourage greater diversity among APIL members. A robust, progressive and deliverable Equality, Diversity and Inclusion Plan is to be developed and this is considered an essential part of delivering APIL's objectives.

The EC and our CEO Mike Benner want to engage the next generation of PI lawyers and create a culture of inclusion, fair treatment, access and opportunity for all, regardless of background, race, ethnicity, gender, age, sexual orientation or physical ability.

To ensure these ambitions become a reality, and are recognised and acted upon across the association, a new diversity working group has been created. It has been formed as a sub-committee of the executive committee (EC) and tasked to develop our policy and turn it into an action plan.

Mike has written a lot more about this in the CEO's 'last word' column in the March issue of PI Focus, so please have a look at this if you can.

#### **4. OVERSEAS OPERATIONS (SERVICE PERSONNEL AND VETERANS) BILL**

We reported at the December meeting that part 2 of this Bill will end judicial discretion to allow some armed forces personnel and veterans to be able to bring personal injury or Human Rights Act claims against the Ministry of Defence out of time: if the claim relates to an overseas operation, an arbitrary six-year longstop will be imposed.

Intensive lobbying has continued in the first months of this year, as the Bill moved into the House of Lords.

The problem is that the Bill conflates two issues: the desire of the Government to introduce a longstop on the prosecution of armed forces personnel for crimes committed overseas (what it calls 'lawfare') and then (apparently in the interests of fairness and consistency) also introducing a similar longstop for injured personnel who need to claim compensation from the Ministry of Defence. The problem is that the defence minister continues to claim that the Bill is 'good' for military personnel, when it very clearly is NOT good for all of them.

We have continued to call for the longstop to be removed. We also need to consider other options if the Government continues to be intransigent, so we have also supported amendments which would allow the courts to retain discretion in certain circumstances, including consideration of the nature of the injuries, whether there had been difficulties in securing the services required to make a claim, or for any other reasons outside the control of the claimant. These amendments would provide important safeguards for those who are unable to make a claim within six years through no fault of their own.

Committee stage is often used by peers to probe the Government for its response to particular amendments and, as expected, the amendments tabled by Lord Thomas were withdrawn. Lord Thomas did warn the Government he would return to the issue at the next stage.

#### **5. CLINICAL NEGLIGENCE**

It seems there is always discussion going on at meetings and forums and debate sessions about the issue of claiming against the NHS during the pandemic, and work is ongoing in the public affairs team to make sure we are ready to respond publicly to this highly sensitive issue when the need arises.

Meanwhile, APIL staff met with NHS Resolution (NHSR) at the end of last year to discuss ongoing concerns about maternity safety and the early notification scheme (ENS). At the next meeting we will be looking for more information about what is happening elsewhere in the system with NHSR partners and discussion about best practice relating to the duty of candour.

In the meantime, any cases that members have where the ENS criteria have not been met, or where families have been told that the criteria have not been met, but where members have concerns about that decision should be reported to APIL.

We are also keen for feedback on examples where a Trust has not spoken to the family about the maternity incident or where communication has broken down between the family and the Trust. NHSR reported at our recent meeting that it is looking to make improvements around the dialogue between the family and Trust once the incident has occurred. Members' feedback will help with this. Any information should be sent to Abi Jennings, head of legal affairs, at [abi.jennings@apil.org.uk](mailto:abi.jennings@apil.org.uk).

Lorraine Gwinnutt

Head of Public Affairs

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