

CALL FOR JUSTICE FOR VICTIMS OF MEDICAL ACCIDENTS IN SCOTLAND

We note that whilst there is no evidence to suggest that the NHS in Scotland is significantly safer than that in other parts of the UK:

- **The NHS in Scotland spends less than one-fifth on settling medical negligence claims per head of population than the NHS in England.¹**
- **Only four firms of solicitors in Scotland employ a solicitor who is an accredited specialist in medical negligence.²**
- **Lord Ross's Expert Group recommendation to fund the establishment of a Scottish branch of the charity Action against Medical Accidents (AvMA) has not been implemented.³**

We therefore call for urgent action to:

- **Address the barriers to access to justice/bringing a medical negligence claim, including: the application of public funding (Legal Aid) and the ability to recover costs such as insurance to cover no-win/no-fee arrangements.**
- **Consult on the design of a special compensation scheme for people harmed by medical errors in the Scottish NHS, ensuring independent adjudication, specialist support/representation, and providing easier and quicker access to justice without the cost and stress of taking legal action.**
- **Implement Lord Ross's Expert Group recommendation to fund the establishment of a Scottish branch of the charity Action against Medical Accidents (AvMA) to provide specialist advice and support to medical accident victims and promote good practice in the representation of and advice to victims.**
- **Review arrangements for learning from medical errors to help make the NHS safer for everyone, and ensure victims of medical accidents are assured appropriate action is taken.**

¹ Scottish Executive Health Department "NHS Scotland Clinical Negligence Costs 2005-2006"; NHS Litigation Authority Annual Report 2005-2006

² Law Society of Scotland, Accredited Specialists in Medical Negligence

³ Report of Expert Group on Financial and other Support, Chaired by Lord Ross, March 2003 report to Scottish Executive