

**Welcome to AvMA's Summer edition of the Network News – one of the ways in which we endeavour to keep you informed of AvMA's work and current issues concerning patient safety and justice for people affected by medical accidents.**

### 'Nhs Redress Scheme' Improvements Secured

AvMA has been working with the Department of Health over the proposed NHS Redress Scheme mooted in the Chief Medical Officer's report 'Making Amends' (2003). AvMA had strong concerns over the fact that injured patients in the scheme were to be totally reliant on the NHS body which had been negligent in order to receive compensation. No independent medical opinion or access to independent advice for the patient/their family was proposed. More recently AvMA has learnt that its arguments seem to have been taken on board. It is now proposed that people seeking compensation through the scheme will be able to be represented by a specialist solicitor, provided that the solicitor agrees to receiving a flat rate 'success fee' if compensation is offered and nothing if compensation is not offered to their client. Also, independent medical opinion will be commissioned in order to determine the eligibility for compensation as part of any 'Redress Package'.

The Queens Speech in May included the government's plans for an 'NHS Redress Bill' which will provide the legal framework for the NHS Redress Scheme. However, the original proposal for a 'no-fault' compensation scheme for 'severely neurologically impaired babies' has been dropped. AvMA and others had drawn attention to the numerous practical difficulties with the proposal and argued that services for all children should be brought to a good standard rather than seeking to reduce the level of compensation that clinical negligence victims can currently achieve. The Redress scheme itself is likely to be launched in 2007. Meanwhile, the NHS Litigation Authority plans to launch a pilot of the scheme for claims up to £20,000 in value this year. An announcement is expected imminently.

### Local Complaints Support Remains In Limbo

The future of Independent Complaints Advocacy Services (ICAS) remains uncertain beyond March 2006. Parliament reluctantly agreed to the abolition of Community Health Councils (CHCs) in England, who had provided help with NHS complaints, partly because of assurances over how ICAS would be delivered.

According to legislation and ministerial commitments the service is supposed to be run by staff allocated to patients' forums for PCTs. The Commission for Patient and Public Involvement in Health (CPPIH) is supposed to set standards and monitor ICAS. However, although CHCs were abolished in December 2003, there is no sign of PCT patients' forums or CPPIH taking on

new statutory roles. (The Government has since signalled its intention to abolish CPPIH). The Department of Health has instead issued temporary contracts with four voluntary sector providers. These contracts end in March 2006. It is intended to tender again for contracts for the provision of ICAS from then on. Meanwhile, there is no independent standard setting or monitoring of ICAS. In recent discussions about the future of patients' forums no mention has been made of the future of ICAS. The situation in Scotland is also unclear, with the local Health Councils having been abolished in March. For the time being, complainants are being advised to contact Citizens Advice Bureaux if they need independent advice.

## Patients' Forums To Be Reduced

The Department of Health has announced plans to cut the number of patient and public involvement forums as well as abolish the Commission for Patient & Public Involvement in Health. Instead of there being a patient's forum for every NHS trust in England, there will be only one per PCT, which will also cover other trusts in its area. Whilst some have welcomed the move back to a more joined up overview of local health services which CHCs provided, the proposals still retain some of the weaknesses perceived in the current system. Instead of forums having their own staff, there will still be contracted-out 'forum support organisations'. There are no guarantees of a strong national body for patient forums, along the lines of CHCs national association. And there are no plans for integrating Independent Complaints Advocacy Services (ICAS) with the work of PCT patients forums. The government has announced plans to tender for the provision of a "patient and public involvement resource centre" to be run under the auspices of the "NHS institute for innovation and improvement".

## Legal Aid Retained In England And Wales

AvMA and others have succeeded in persuading the Legal Services Commission to drop plans to restrict legal aid to the investigative stage of cases only and force would-be claimants to take out private no-win no-fee (conditional fee) agreements. AvMA argued that the proposal was flawed in many regards, but probably the most persuasive argument was that such an approach would be around five times more expensive to the public purse (if success fees, cost of insurance etc is taken into consideration). There is still concern that it is intended to force some would-be claimants to use the NHS complaints procedure before they can obtain legal aid. This is ironic as the NHS refuses to investigate complaints if there is a declared intention to take legal action! This may be seen as a further barrier to accessing justice.

AvMA is also hopeful that its arguments against controversial proposals to cap the fees which could be paid for medical experts' evidence for the claimant will prevail. The proposal would put claimants at a disadvantage as the defence would have no such restriction and could commission the most expensive experts whilst the claimant would have to rely on cheaper ones.

AvMA is also campaigning for better access to legal aid in Scotland and Northern Ireland.

## Patient Reporting Of Safety Incidents Launched

The National Patient Safety Agency (NPSA) has launched a new initiative whereby patients and the public can report medical accidents or 'patient safety incidents' directly to them. The NPSA does not investigate individual incidents but collates information on the issues involved with a view to identifying where safety can be improved. There is a special section of their website which helps people file a report to them: [www.npsa.nhs.uk/ppr](http://www.npsa.nhs.uk/ppr). It is also possible to report incidents to the NPSA in writing, or telephone. Contact: **NPSA, 4-8 Maple St, London W1T 5HD or telephone: 0845 015 2536**. AvMA has been advising the NPSA and is taking part in this pilot phase of the initiative by informing new clients of the availability of the reporting system.

## Support Network To Be Revitalised

AvMA has been reviewing its provision of mutual support services for people affected by medical accidents, which are currently known as the 'Support Network' and 'Contacts Register'. We are grateful for the feedback we have received from clients, and are pleased to announce our plans to improve and develop opportunities for mutual support. These include:

### **'Medical Harm Support Workshops'**

This is a collaborative project between AvMA, represented by Louise Price; Josephine Ocloo, who has personally been affected by medical harm and is currently undertaking a PhD in 'Medical Harm and Patient Empowerment in the NHS' and John McConnell, an experienced Stress Management Trainer. The intention is to pilot a series of five workshops commencing in September 2005. The workshops will provide an opportunity for people affected by medical accidents to participate in activities which enable them to develop coping strategies for moving forward. This will include anger management, building self esteem and stress management strategies. It is intended that these pilot workshops will run on a monthly basis over a period of 5 months. There will also be sessions providing the opportunity for individuals affected by medical harm to meet with each other, to share experiences and participate in discussions which will inform AvMA's work. Further details will be available once the programme has been finalised.

### **Contacts Register**

AvMA's contacts register enables AvMA's clients who wish to, to make contact with others who have come through similar experiences. It was clear from a survey we conducted that we need to develop the Register. We are looking at offering training for people on the contacts register and improving systems for monitoring and updating the register.

### **Internet Discussion Forum**

AvMA have developed a discussion forum as an additional way that people affected by medical accidents can share experiences; offering advice, and information; discuss ideas and make suggestions about coping; improving patient safety and improving access to justice. The forum can be accessed

on AvMA's website: [www.avma.org.uk](http://www.avma.org.uk) the discussion forum will only be accessible to registered 'Friends of AvMA'. It is necessary to 'log in' by giving a unique password which will be issued once you have registered. You can register online or by contacting: Gillian Savage, Advice & Information Co-ordinator, AvMA, 44 High Street, Croydon, Surrey, CR0 1YB or e-mail: [support@avma.org.uk](mailto:support@avma.org.uk) .

The plan is that anyone who chooses to register as a 'Friend of AvMA' and has been affected by a medical accident will be offered access to the above services and if they wish, receive newsletters and invitations to relevant events. There will be no charge, but people will be invited to make a donation if they can afford it.

## AvMA launches its 'Prescription' for Patient Safety & Justice

AvMA has just published its Annual Review of the year 2004-2005. As well as providing an insight into the work of the charity and its recent achievements, it contains what AvMA is calling its 'Prescription for Patient Safety and Justice' – a summary of seven key issues agreed by AvMA's trustees which the charity has prioritised for its campaigning work in the current year. The seven issues are: tangible improvements in patient safety; openness and honesty when errors occur and an end to 'conspiracies of silence'; a genuinely fair redress scheme for people harmed by the NHS; access to justice for all UK patients harmed by clinical negligence; robust systems of local support for complainants and patient involvement in monitoring the NHS; putting patients at the centre of patient safety; and improved safety of care for older people and their access to justice when errors occur. Contact AvMA for a full copy of the Annual Review and 'prescription' or visit [www.avma.org.uk](http://www.avma.org.uk) .

## Fundraising Appeal

AvMA only receives a fraction of the cost of its vital advice and information service from governmental grants and relies on donations and fundraising for all of its other support work with people affected by medical accidents. We are launching an appeal to fund the development and running of the support services discussed above. If you can help raise funds in any way, perhaps by doing a sponsored event or organising a fundraising event, please let us know at the address below and we will provide you with the help and support you need to make it a success. Alternatively, simply send a donation or ask us for a form to make a regular donation and help AvMA claim additional money back from the government through the 'Gift Aid' scheme.

Action against Medical Accidents, 44 High Street, Croydon, Surrey CR0 1YB.

Client Advice Line: 0845 123 23 52

Administration: 020 8688 9555 (please ring client advice line for advice on individual cases)

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Charity registration number: 299123