



PRESS RELEASE

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HEALTH SELECT COMMITTEE REPORT UNDERLINES THE NEED FOR STRENGTHENING DUTY OF CANDOUR AND NHS COMPLAINTS SYSTEM

Action against Medical Accidents (AvMA), the charity for patient safety and justice, has welcomed the report of the Health Select Committee on Complaints and Litigation. In particular, AvMA welcome recommendations by the Committee supporting

- a strengthening of the Government's proposals for a "Duty of Candour" when things go wrong to include "the terms of authorisation from Monitor and of licence by the Care Quality Commission" ¹
- Concern over the effect on access to justice of removing clinical negligence from scope for legal aid whilst implementing Lord Chief Justice Jackson's recommendations over no-win no-fee arrangements. "The Committee is concerned that this could impact negatively on some of the most seriously injured or disabled claimants, both by reducing the value of final settlement (after erosion by fees) and by undermining access to justice" ²
- Widening the Ombudsman's role to provide better access to independent review of complaints, and issuing clear guidance and standards for complaints handling.

AvMA Chief Executive, Peter Walsh, said:

"This report could not be more timely and underlines the need to rethink current proposed health and legal reforms. Like us, the Committee welcomes the introduction of a "contractual" Duty of Candour, as announced by the Government recently, but sees that this must be augmented by making such a duty a condition for licensing by the Care Quality Commission. We urge the Government to take this step without delay.

We share the Committee's grave concerns about the effect on access to justice of the proposed legal reforms for clinical negligence claimants. The Government must make an exception of clinical negligence and keep it in scope for legal aid, and modify the proposals for no-win no-fee arrangements.

And we are very pleased that the Committee has accepted our and other participants' calls for better access to independent review of complaints. Only a fraction of people who had independent reviews under the old system can get the Ombudsman to investigate"

¹ Para 22, page 49

² Para 54, page 53

ENDS