



# Essential Medicine for Lawyers

**9 May 2017**  
**Manchester Conference Centre**

Kindly sponsored by:



**Essential Medicine for Lawyers**  
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Dear Delegate

AvMA are delighted to welcome you to the Essential Medicine for Lawyers conference. We hope you find the day informative and interesting. AvMA staff will be on hand to help make it so and we hope that the following information will help make the day more pleasant and productive.

***Contact Details at the Conference***

The **AvMA Registration Desk** will be staffed from 09.15 to 17:15

If you have any queries or emergencies at any point during the conference, please go to the registration desk, or ask any member of the AvMA staff for assistance.

***General Points***

To ensure that you receive excellent service whilst attending this event, we would appreciate your co-operation with the following:

.. **Badges:**

Please ensure that you wear your badge at all times to help with prompt delivery of messages and as a means of identifying you to other delegates.

.. **Questions:**

Speakers are happy to answer your questions at the end of their presentation. We would be grateful if you could identify yourself and your company before asking your questions.

.. **Documentation:**

All documentation received at the time before the event is enclosed within the documentation pack. Any missing papers will either be distributed during the event or be sent to you soon after. Please be assured that AvMA always endeavours to offer a complete set of speaker papers included within the documentation pack. However, due to other commitments by our speakers this is not always possible.

.. **Mobile Telephones:**

We would appreciate your co-operation in ensuring that all mobile telephones are switched off in the conference room.

.. **Restrooms:**

There are restrooms located close by the conference room, please contact a member of AvMA staff who will direct you to the nearest facilities.

“ **No Smoking:**

There is strictly no smoking in the conference venue and we would kindly request that if you would like to smoke, you will have to go outside. Thank you in advance for your co-operation.

“ **Evaluation Forms**

Please be so kind as to complete and hand in the evaluation form before leaving the conference. All delegate packs should have an evaluation form in them, but if you cannot locate one then please collect one from the registration desk. We are constantly striving to improve our service to you and therefore value your feedback.

“ **CPD Confirmation:**

SRA & APIL: 6 hours

Bar Council: 6 hours

Provider ID Number: 1051

The conference code is AC/AvMA 341

Finally, if there are any problems, please do not hesitate to contact myself, or any member of the AvMA team.

Yours sincerely

Ed Maycock  
Events Manager, AvMA

## Speaker's Biographical Details

**Dr John Caplin** qualified in 1976 from University College Hospital Medical School. I trained in Cardiology at St Thomas' and St Bartholomew's Hospitals, London, The Wessex Regional Cardiac Centre, and the Massachusetts General Hospital, Boston. My MD thesis was on the assessment of right ventricular function. I was appointed as Consultant Cardiologist at Hull and East Yorkshire Hospitals in 1990, and specialised in interventional cardiology and adult congenital heart disease. I was a National Clinical Lead for the Coronary Heart Disease Collaborative, and Cardiology Advisor to the Office of the Parliamentary and Health Service Ombudsman. Following retirement from my full-time NHS post in 2012, I continue in private and medico-legal practice, and work part-time for the City Health Care Partnership, Hull. My current research interest, with the Department of Biomedical Engineering at the University of Hull, is in the mechanism of coronary stent fracture.

**Ms Gill Edwards** has spent the last 20 years as a claimant solicitor specialising in the field of clinical negligence, having begun her working life as a nurse at Manchester Royal Infirmary. She acted for the Claimants in the leading human rights case of *Rabone v Pennine Care NHS Foundation Trust* [2012] in which the Supreme Court extended the duty to protect life under Article 2 of the HRA to non-detained psychiatric patients. She also acted for the Claimant in the recent case of *Sido John v Central Manchester and Manchester Children's University Hospitals NHS Foundation Trust* [2016] in which Mr Justice Picken found that a negligent delay in diagnosing a sub-dural haematoma had materially contributed to Claimant's brain injury. She continues to deal with a range of clinical negligence cases and has particular expertise in brain and spinal injury and amputation.

**Dr John English** has had over 30 years experience in occupational dermatology. He started under the tutelage of Drs Cronin, Rycroft and White at St John's Institute of Dermatology Contact Dermatitis Clinic, London. Subsequently was a consultant dermatologist in Staffordshire. For the past 19 years has been working at the Queen's Medical Centre, Nottingham. He was recently the Editor of the British Journal of Dermatology and now Editor of Clinical & Experimental Dermatology. He has been preparing medical reports for Solicitors on dermatological matters since 1987 and undertake, on average, 50 reports per year. In the past few years the Plaintiff/Defendant ratio has been 50:50 with one or two joint instructions. He was also a Medical Appeals Examiner for the Independent Tribunal Service from 1996 to 2000.

**Dr Matthew Howse** is a Consultant Physician and Nephrologist working in Liverpool. He graduated from the University of Newcastle on Tyne and received his higher medical training in Merseyside. His practice includes all areas of Nephrology, Dialysis and Transplantation. He also practices in General Internal Medicine and has previously set up and run the Merseyside obstetrics/nephrology clinic. He is active in teaching and research. He has a medicolegal practice and receives instructions from solicitors acting for both claimants and defendants. His legal work also extends into Personal Injury cases and he has also acted on behalf of the CPS in criminal cases.

**Dr Paul Miller MA, BM, BCh, MSc, DPhil, FRCP, FACP** was Consultant Gastroenterologist to the University Hospital of South Manchester NHS Foundation Trust until December 2006. I continued to do sessional work in Gastroenterology (clinics and endoscopy lists) for the Trust until 2010. I continued in private clinical practice until December 2015. I have been revalidated by the GMC until December 2019. I am a Fellow of the Royal College of Physicians of London and am on the Specialist Register for Gastroenterology and General Internal Medicine. I undertook my medical training at the University of Oxford and Guy's Hospital, London, and qualified BM, BCh (Oxon) in 1968. My other degrees include MA (Oxon), DPhil (Oxon) and MSc (London). I am also a Fellow of the American College of Physicians

I am experienced in medical gastroenterology and in addition have a particular interest in disorders of lipid and lipoprotein metabolism. I am the author or co-author of more than 100 original papers, reviews, articles and book chapters principally devoted to gastroenterology and disorders of lipoprotein metabolism.

I have been writing medicolegal reports for more than 30 years and have written many hundreds. Although accredited in both General Internal Medicine and Gastroenterology, I confine my reports to my specialist interests of medical Gastroenterology (diseases of the oesophagus, stomach, bowel, liver etc.) and Lipid and Lipoprotein disorders (eg the treatment of high blood cholesterol to prevent heart disease and other vascular disorders).

The majority of the reports that I have been asked to prepare concern medical negligence with a preponderance on behalf of defendants. However I also write a significant number of reports on behalf of Claimants and a small number of joint reports for Claimant and Defendant in personal injury cases. I estimate that currently 80% of reports are produced for Defendants and 20% for Claimants. I have given expert evidence in Court, at Inquests and at the General Medical Council.

I was a member of the Claims Advisory Committee of the Medical Protection Society, and its predecessors, from 1983 until 2010. I was a member of the Council of the Society from 1995 until 2003 and I was the Chairman of Council of MPS from 1996 to 2003. I no longer have any formal role in the Society.

**Dr Kevin Naylor** originally qualified as a doctor and practised medicine for 7 years. He practises in the fields of personal injury and clinical negligence, acting for both claimants and defendants. His medical background is an enormous asset.

Kevin is regularly instructed in high value cases involving clinical negligence in all areas, injury to the central nervous system including catastrophic brain and spinal cord injury, multiple orthopaedic injuries, psychiatric injury and fatal accidents.

He has wide experience and expertise in the following areas inquests and Inquiries - having represented interested parties in the Shipman Inquiry and more recently The Inquiry into the death of Chloe Fahey, employers liability claims involving injury or disease, particularly where there are novel or complex issues of causation, chronic pain syndrome, fibromyalgia and reflex sympathetic dystrophy, education claims including failure to diagnose dyslexia and autistic spectrum disorder, and Civil Procedure.

**Dr Chris Warburton** has been a consultant respiratory physician for the last 20 years at the Aintree Chest Centre in Liverpool. He has held a range of medical manager roles within Aintree hospitals including Divisional Medical Director for Medicine, and is currently Lead Cancer Clinician for Cheshire and Merseyside, and Medical Director of the Cheshire and Merseyside Cancer Alliance. He is the representative for patient safety for the British Thoracic Society with NHS England and the Royal College of Physicians, and is about to take up post as a part time Clinical Adviser for the PHSO in Manchester.

## AvMA Services

### Introduction

Action against Medical Accidents (AvMA) was established in 1982. It is the UK patient safety charity specialising in advice and support for patients and their families affected by medical accidents. Since its inception AvMA has provided advice and support to over 100,000 people affected by medical accidents throughout the United Kingdom.

AvMA offers specialist services to the public free of charge across the United Kingdom. AvMA's specialist services are its Helpline, pro bono inquest service and advice and information services. The services are staffed by legal and medical professionals, more details are available below.

AvMA stands for patient safety and justice. In fulfilling these objectives AvMA has frequently been involved in key medico legal issues, for example we were actively involved in supporting families affected by treatment provided by Stafford Hospital and held core participant status in the 2011 Public Inquiry led by Robert Francis QC.

AvMA is experienced in using judicial review where appropriate to further its aims. By way of example, in October 2011 AvMA brought judicial review proceedings against the government on the basis that its consultation on legal aid was flawed. AvMA alleged that the MOJ's assertion that the removal of Legal Aid from clinical negligence would result in a saving of £17 million could not be substantiated. The action was resolved when the government conceded that Legal Aid for clinical negligence would remain in scope for those cases where it could be shown that injury had been sustained at or around the time of birth as a result of negligent treatment.

In October 2013 AvMA sent a letter of claim setting out its intention to bring judicial review proceedings if the DoH did not provide written clarification that the fact a patient had instigated legal proceedings for clinical negligence was not in itself a bar to accessing the NHS Complaint procedure. Following receipt of this letter the DoH capitulated and eventually clarified their position thereby avoiding the need for AvMA to issue proceedings.

AvMA regularly responds to public consultations relying on evidence it has gathered from the public and where appropriate lawyers to advocate change. For example, AvMA responded to the Health Select Committee's consultation on Complaints and Raising Concerns and gave evidence to the committee. AvMA seeks to promote a more effective, easily accessible, compassionate NHS Complaints process.

Currently AvMA is one of the key stakeholders in the Department of Health's consultation on introducing fixed recoverable costs for lower value clinical negligence claims as well as their consultation on a rapid resolution and redress scheme for severe avoidable birth injuries; our final consultation responses are available from our website.

AvMA provides specialist support services for legal professionals through our Lawyers Resource Service including the recommendation of expert witnesses.

We provide specialist training courses and conferences for health and legal professionals, advice agencies and members of the public.

AvMA was the first organisation to set up a scheme accrediting lawyers as a mark of their competence (AvMA Panel Accreditation). This area of our work continues to be extremely important particularly now that legal aid is more restricted in scope.

We are working on a scheme for more junior lawyers which will be open to anyone working for an AvMA panel firm; we expect to roll this scheme out this year and are aiming to promote this as soon as possible.

More details on the services referred to are set out in this leaflet.

## The Helpline Service

AvMA offers specialist services to the public, free of charge. The Helpline is open to the public five days a week and is manned by professional advisors from 10 am to 3.30 pm daily.

The helpline deals with an average of 200 calls per month; many of the callers are seeking help and advice on how to manage possible negligent medical care including how to access the complaints process.

## The Advice and Information Service

Our Advice & Information (A&I) services takes on case work, these services often require consideration of complaints and responses made to hospital trusts and primary care services (usually General Practitioner). We will help explain a response from a hospital and if appropriate draft a reply to the Trust's response.

AvMA recognises that there is a correlation between poor complaint handling and cases that become legal claims. We aim to help members of the public access the NHS complaints procedure and where appropriate will help clients to express their complaint. We also provide assistance in relation to complaints about private care.

AvMA provides advice and support in relation to second tier complaints against the Parliamentary Health Service Ombudsman (PHSO).

The advice and information service also considers the medical nature of the complaint and where appropriate offers advice on whether the issue complained of is likely to satisfy the legal test for clinical negligence. We currently employ three qualified doctors to assist us with this aspect of our service.

AvMA endeavours to enable patients and or their families by putting them at the centre of the investigation. We try and encourage more effective communication between NHS trust's complaints departments and the patient to enable patients to receive answers to their questions.

This service also provides guidance on professional regulatory matters such as referring cases to the GMC, NMC and other regulatory bodies

Where appropriate the service will refer clients to one of our accredited panel solicitors so parties can assess the pros and cons of bringing litigation.

## The Inquest Service

AvMA had for a long time recognised the need for specialist support for families that had lost a relative where it was suspected failures in medical treatment may have contributed to the death. In September 2009 AvMA committed resources to providing a specialist pro bono inquest project in England and Wales; the service was officially launched in July 2010. The project aims to find representation for people who have been affected by the death of a loved one where the death occurred in a medical setting.

The pro bono inquest service was pioneered by AvMA's Director Medico-Legal Services, Lisa O'Dwyer and has developed so that it now provides advice and assistance on approximately 100 inquest cases per annum. Where it is appropriate cases are referred to AvMA's panel solicitors particularly if there is a potential civil claim.

Where AvMA takes a case on we will seek disclosure of and consider all relevant documentation including the medical records, correspondence passing on the use of the complaints procedure and any statements disclosed by the Coroner. In addition we look for additional documentation such as Serious Incident Reports or similar documents; statements which have been prepared in the making of the SIR; any independent medical expert reports. If necessary we will help clients to commission their own independent expert report and or petition the coroner to appoint their own expert. We also undertake literature searches relevant to policy and or medical issues.

Through our work, we have developed considerable expertise in providing assistance and representation to members of the public at inquests where the death arose in a healthcare setting.

We routinely consider whether the death has been caused or contributed to by systemic failings and seek to extend to scope of the Coroner's investigation so that it is compliant with Article 2 European Convention Human Rights, the right to life.



AvMA is proud of its relationship with the bar and works closely with leading chambers to provide barristers who are committed to this area of work to provide representation to families at the inquest. Ensuring a level playing field between parties, thereby giving the bereaved a voice is a key aim of AvMA's inquest service.

Our inquest experience has enabled us to explore core issues pertinent to the patient's death and to draw attention to them as part of the investigative process of the coroner's court. AvMA aims to protect patients by highlighting concerns apparent in a trusts practice and or procedures and to invite the Coroner to use their powers to remedy the failings where appropriate.

As an organisation our aims are to champion patient safety and access to justice. Accordingly, where appropriate we invite the coroner to consider the need for a conclusion to reflect that neglect aggravated the cause of death and to record evidence of systemic failings. We also consider any Action Plans put forward by the trust and where relevant address the coroner on the need to make a Prevention of Future Death Report (PFD).

The Service has ensured that for those we are able to assist, bereaved families are able to properly access the process and where possible obtain answers to their questions about their loved ones treatment. But for our pro bono service the bereaved would more often than not go unrepresented and unable to have their concerns properly heard thereby limiting the effectiveness of the inquest process in preventing future deaths.

For bereaved families, knowing that the inquiry process may help prevent another family suffering a similar loss is often essential to coming to terms with what has happened.

AvMA believes that it is essential that the needs of bereaved families are placed at the centre of the coronial process and that families are supported as active participants in the process as opposed to passive bystanders.

## Lawyers Resource Service

AvMA provides specialist support services for legal professionals through our Lawyers Resource Service including the recommendation of expert witnesses.

AvMA maintain the most comprehensive database of the best and most experienced medical experts in the field of clinical negligence litigation. Each expert is vetted by our experienced staff and we monitor feedback from solicitors who have used them, unlike other data bases, experts do not pay a fee to be included on our database.

AvMA offers a bespoke service for firms who subscribe to the Service, should they need it. The service is staffed by our team of experienced lawyers and medics who can help you identify the right expert for the case. The lawyers service team, are friendly and will be happy to help you

Lawyer Support Group Meetings (LSG's): Meetings are held regionally three times a year in London; Midlands; the South West (including Wales); North West and in the North of England. The meetings are free for AvMA's lawyers service members. Typically, the meetings involve an hour long presentation from a leading medical expert and a presentation from an experienced barrister or member of the legal profession, which also lasts for an hour. The meetings aim to bring the audience up to date with topical legal issues, including costs and provide an opportunity to ask question and network.

Lawyer Service members are kept up to date with e-mail news alerts about important policy developments and case law and receive AvMA's newsletter packed with important information on clinical negligence, medico-legal and policy issues.

Members also receive a 48% discount if they subscribe to *Clinical Risk*, a publication aimed at lawyers and clinicians alike where case studies and experiences are shared and complex medico-legal and patient safety issues are explored.



## Specialist Training Courses

AvMA organise specialist training courses and conferences for health and legal professionals, advice agencies and members of the public. The courses seek to update the audience on topical subjects pertinent to both private practice and healthcare and range from issues arising on client care, to legal updates on solicitor/client costs. We offer a range of conferences on healthcare matters from orthopaedics to obstetrics.

AvMA runs the largest and most important conference for lawyers in clinical negligence. This annual, weekend conference is run in addition to the range of one day conferences offered.

AvMA also provides a webinar series.

## Accreditation – The AvMA Panel

AvMA operates a specialist accreditation scheme and assess solicitors for eligibility to the panel based on their experience and expertise in clinical negligence. The AvMA panel has been running since the late 1980's and is the longest running clinical negligence accreditation scheme as well as being the first accreditation scheme of its kind.

We reaccredit our panel solicitors after 5 years to ensure that they are maintaining standards, both the original application for accreditation and reaccreditation process require solicitors to submit case reports. As a result we have access to over 200 case reports annually.

The case reports ask for a number of pieces of key information, for example: when the solicitor first had contact with the client; when the letter of claim was sent; when the letter of response was received; when proceedings were issued; when the case settled. The information is collected as a means of identifying how quickly a solicitor progresses claims. Where there is delay, the solicitor has the opportunity to explain reasons why delay occurred.

The information not only enables us to assess a candidate but also provides us with a keen sense of the difficulties commonly encountered by Claimant solicitors and their clients in progressing cases.

Panel membership reflects the fact that a solicitor has particular expertise and experience in clinical negligence work. This is now more important than ever since the reduction in scope of legal aid for clinical negligence work.

AvMA does not support the pursuance of claims that lack merit; such an approach is not in the client's best interests and only serves to raise expectations which cannot be met.

## Junior Practitioners

AvMA is conscious that some of our Lawyer Service members have more experience in clinical negligence work than others; we are keen to support those members with less experience to develop their skills and to guide them in providing a high level of client care.

We would like to receive your views on what training and support would be beneficial to you. Please send your comments by email to [Norika@avma.org.uk](mailto:Norika@avma.org.uk), headed "Training suggestions"

We encourage attendance of the [Lawyers' Service Group \(LSG\) meetings](#) which are free of charge to Lawyers' Service members and to read the [Newsletter](#) which often contains useful practice points."

AvMA are working on a junior certification scheme which we expect to roll out in the near future. The scheme will include conferences and education to help with your continued learning and with everyday clinical negligence practice.

## Have you thought about volunteering for AvMA?

We currently have over 80 regular volunteers with legal or medical backgrounds who have found the experience helpful for managing clients and new enquiries at their own office.

Why volunteer for the helpline?

### Volunteering for the helpline can give you:

- Greater awareness of the complaints system
- A clearer understanding of the clients' perspective
- Opportunities to get involved with research projects and written casework
- An enjoyable and worthwhile experience

- Volunteer sessions are flexible and are offered on a 1½ or 2 hour session either weekly, fortnightly or every 4 weeks and can be arranged remotely.

Volunteers have also enjoyed getting to know the AvMA staff and more about the organisation as a whole, with many volunteering far longer than anticipated. Here's what one of our volunteers said about their time at AvMA:

*"I initially volunteered at AvMA to gain medico-legal experience whilst studying on the BPTC, but I quickly realised how valuable the helpline service is to people who have suffered as a result of a medical accident. I enjoy volunteering at AvMA because the work is interesting, varied and volunteers are really appreciated and entrusted with responsibility. I volunteer on the helpline for one day each week and doing so has given me a real sense that the medical and legal knowledge I have garnered through my studies does in fact have real application and can help people and make a difference."*

**Katie, AvMA helpline volunteer**

AvMA offers a helpline training programme tailored to meet your needs, which includes improving your understanding of the NHS and private complaint procedures.

For more information please [download a description of the volunteer role](#).

Alternatively please complete an [online application form](#), email the Helpline Development Officer, [Gillian Savage](#) or telephone her on 0208 688 9555.

If you have any questions relating to this leaflet please contact [Lisa O'Dwyer](#), Director Medico – Legal Services.

Date: 25th April 2017

## Action against Medical Accidents

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Action against Medical Accidents (AvMA) is a registered charity in England and Wales (number 299123) and in Scotland (number SCO39683)