



The Law Society

Suggested Terms of Reference for CJC/DH Working Party

These terms of reference are approved as drafted by The Law Society; Action against Medical Accidents (AvMA) and the Association Personal injury Lawyers (APIL)

Overall Aim: To identify the factors that give rise to avoidable costs in clinical negligence claims valued up to £25,000, and identify potential solutions including a bespoke, streamlined process and a fixed costs grid as well as other alternatives. The solutions must ensure that access to justice is preserved and support learning for better patient safety.

Method: to bring key stakeholders including defence and claimant solicitors, the Department of Health, Ministry of Justice, and representatives of patients together to form a working party to consider the factors that give rise to avoidable costs and recommend changes, improvements and new approaches.

Specific terms of reference:

1. To identify and address the main drivers of costs in clinical negligence claims up to £25,000 in value.
2. To identify different ways to reduce costs and maximise opportunities for early settlement of such claims including a bespoke, streamlined process and a fixed costs grid as well as other alternatives.
3. To consider how learning from the incidents that give rise to claims can be supported as part of and at the conclusion of the claims process for the purpose of improving patient safety within the NHS.
4. To consider the impact of access to justice for patients affected by negligent treatment within the context of any solutions identified and to ensure an equitable process.

Dated: 30th November 2017

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Chief Executive Officer APIL**

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Director of Legal and Regulatory Policy
For and on behalf of the Law Society**