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CLINICAL INJURY LAWYERS**  
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## **NHS Resolution announces new clinical negligence claims management agreement**

NHS Resolution is pleased to announce the implementation of a new Clinical Negligence Claims Management Agreement for 2024.

This agreement has been developed in collaboration with key stakeholders, including Action against Medical Accidents (AvMA) and the Society of Clinical Injury Lawyers (SCIL).

Simon Hammond, Director of Claims Management at NHS Resolution, said: "This agreement builds upon the successful COVID-19 Clinical Negligence Protocol established in 2020 and aims to further improve claims management practices. It reflects our ongoing commitment to fair and efficient resolution of clinical negligence claims while promoting patient safety and learning."

Key features of the new agreement include:

1. Extended limitation periods for certain cases, providing flexibility for claimants and their representatives.
2. Emphasis on early disclosure of relevant documentation to help narrow issues and reduce investigation costs.
3. Improved communication protocols, including ongoing acceptance of electronic correspondence and service of documents.
4. Encouragement of pre-action discussions and dispute resolution to avoid unnecessary litigation.

Aspects of the previous protocol have been retained, specifically how the parties can avoid the need for litigation by undertaking a stock take prior to commencing litigation. The parties are still encouraged to consider requests for interim payments and whether earlier exchange of evidence will promote resolution of the claim.

Sharon Allison, Chair of SCIL (Society of Clinical Injury Lawyers) states *"The agreement encourages apologies where appropriate and reflects that harmed individuals and their families often want to ensure that similar errors are avoided in the future. Defendant organisations are encouraged to provide apologise and identify where lessons have been learned and what steps have been taken to prevent further harm"*

Lisa O'Dwyer, Director of Medico Legal Service at AvMA (Action Against Medical Accidents) comments *"This is the first time that a litigation process has put the emphasis on trusts to demonstrate to injured and/or grieving parties what has been learned, it is potentially an innovative and exciting step forward and its importance to claimants cannot be overstated. We*

*encourage all trusts to comply with this expectation which will contribute to a meaningful and positive change of culture”*

Simon Hammond, Director of Claims Management at NHS Resolution, commented *‘The fact the parties have been able to agree a successor agreement reflects the cultural change we have witnessed in how clinical claims are managed. It is extremely pleasing to see the continued desire to work together to remove friction from the claims management process.’*

The agreement will be reviewed every 26 weeks to ensure it remains effective and responsive to the needs of all parties involved in clinical negligence cases.

For more information, please visit the [NHS Resolution website](#)