

MEDICAL PROTECTION SOCIETY

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Dr Daniel Poulter MP
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Our Reference: EMH//C
Please quote our reference when contacting MPS

6 November 2014

Dear Dr Poulter

Triennial Review of the NHS Litigation Authority

MPS engages regularly with the NHSLA and we welcome this opportunity to contribute to its Triennial Review.

A cooperative working relationship

We appreciate and highly value the constructive working relationship MPS has with the NHSLA and the importance it places on making this work effectively. We have regular liaison meetings with key members of staff and in protecting our members we often defend claims in collaboration with the NHSLA. In all our interactions we find the NHSLA to be open and cooperative and we would welcome further joint working on a variety of policy areas including defence costs and patient safety issues.

Efficiency and cost

In our experience the NHSLA, and the law firms it uses, work hard to resolve cases as quickly as possible as part of its efforts to minimise costs and therefore reduce payments for scheme members. In particular, over the last three to five years there has been a noticeable change in the way cases are dealt with and in general they now appear to be resolved more quickly.

Furthermore, we are aware that the NHSLA has put in place robust arrangements with panel law firms to enable them to keep defence costs to a minimum and to shorten handling times. We recognise the difficult task the NHSLA will always have because of the sheer volume of cases that it manages and the inevitable challenges this will create in dealing with this caseload.

Transparency

The NHSLA has a wealth of valuable data and we welcome the fact that it makes much of this publically available. One area where there could be further transparency is around aggregate claims data. This could be achieved whilst still maintaining patient confidentiality. For example, it would be useful to provide information on how many Periodical Payment

Orders the NHSLA settles annually and how experience compares with estimated mortality projections. This information would be a useful contribution to existing data for those making actuarial estimates. This would be beneficial to MPS but also to the NHSLA as it would help it to better benchmark its own procedures for valuation of liabilities and monitoring of claims trends in liabilities similar to those that it has.

I hope that you find these comments a helpful contribution to the review. I am happy to provide further information if that would be useful.

Yours sincerely,



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