

Please find below the response from the Vale of Glamorgan Local Health Board, submitted on behalf of the Chief Executive Abigail Harris:

The LHB welcomes the simplification of a system for patients to obtain redress in a manner that reduces both the length of time of the process and any associated distress. We are therefore keen to understand fully the rationale for the introduction of the redress measure in order to ensure that the final measure addresses its purpose.

Specific comments are as follows:

- the measure appears to involve a substantial transfer of risk to the NHS, and the LHB wishes to be clear that our liabilities remain as set out in our statutory establishment instruments
- currently primary care contractors have their own claims/redress arrangements - will the measure retain this independence?
- clarity is required on the limits for compensation including thresholds between the 'compensation' options of apology/explanation/treatment provision/financial redress
- in an environment of 'claim culture', will the measure ensure that the appropriate cases proceed and vexatious claims are sifted?
- will item section 2 4(a) set a precedent for treatments/care contrary to clinical evidence such as NICE and raise expectations outside the resource envelope of commissioning bodies
- concerns are raised that liability will be attributed without significantly robust legal investigation - the issue of fairness arises here
- concerns are raised that individuals may be subject to a 'double whammy' with regard to redress under the measure followed by separate recourse via the criminal justice system
- will there be a 'no fault' or 'no liability' settlement option, as this may potentially alleviate the concern raised above?
- how will the appeals procedure be comprised?
- will there be a separate authority to administer the scheme?

It is very difficult to provide detailed feedback at this stage, as the main information required relates to the administration of the redress scheme, an item which will be explained in regulations yet to be published. The LHB would welcome the opportunity to comment on the administration arrangements when available.