

MEDICAL PROTECTION SOCIETY

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Bae Caerdydd
Caerdydd
CF991NA

18 November 2019

Dear Dr Lloyd,

National Health Service (Indemnities) (Wales) Bill

Further to my letter of 24 October 2019, and following the publication of your Committee's report on the National Health Service (Indemnities) (Wales) Bill, I wanted to take this further opportunity to share some additional thoughts on behalf of the Medical Protection Society (MPS).

Firstly, I wanted to warmly welcome the Health, Social Care and Sport Committee endorsement of the principles of the Bill.

As we made the Committee aware in our written evidence of 18 October 2019, we were at that time in advance negotiations with the Welsh Government about the transfer of assets to an ELS scheme. I am delighted to be able to inform you that we now have reached an agreement with the Welsh Government. This agreement will ensure MPS general practice members in Wales can turn to a state-backed scheme for help with clinical negligence claims, no matter when in the future they become aware of a claim, or how much that claim settles for.

To ensure a smooth transition, MPS will continue to manage existing claims for GPs in Wales during an interim period. After this time, claims will be managed by NHS Wales Shared Services Partnership, which has extensive experience of managing clinical negligence claims on behalf of Health Boards. During this interim period, we will share our specific expertise in the management of general practice claims, so members continue to benefit from high standards of claims management beyond this period.

Secondly, I would like to place on the record, that MPS has found the experience of working with the Welsh Government to be an extremely constructive and collaborative experience. MPS has only got to this stage because we have engaged openly and directly with officials, underpinned by our desire to see a good scheme put in place for our members; that is what we have achieved.

The swift passage of this legislation will be welcome. However, I must stress that the timing of it is irrelevant in relation to the ability of medical defence organisations (MDOs) to agree commercial terms with the Welsh Government. I appreciate that this has been of concern to the Committee, but I trust that our agreement with the Welsh Government will provide Assembly Members with reassurance.

Thirdly, can I strongly welcome the Committee's support for tort reform. MPS has long been at the forefront of calls for substantive reform, to address the rising cost of clinical negligence. As the Committee noted in its report, it is important that officials in the Welsh Government collaborate with their counterparts in Whitehall, to explore what the next steps for this important work could be.

I remain at the Committee's disposal if you would like to explore this issue further. Indeed, if I or MPS can be of any assistance to the Committee whatsoever, please do not hesitate to contact me.

Finally, can I pass on my sincere thanks to you and your AM colleagues, for your scrutiny of this Bill – especially as time has unfortunately been limited. Furthermore, can I also offer my sincere thanks to the clerks of your committee, who have provided my colleagues with such courteous and professional support while the Bill has been before you.

With best wishes,

Yours sincerely,



Howard Kew
Executive Director