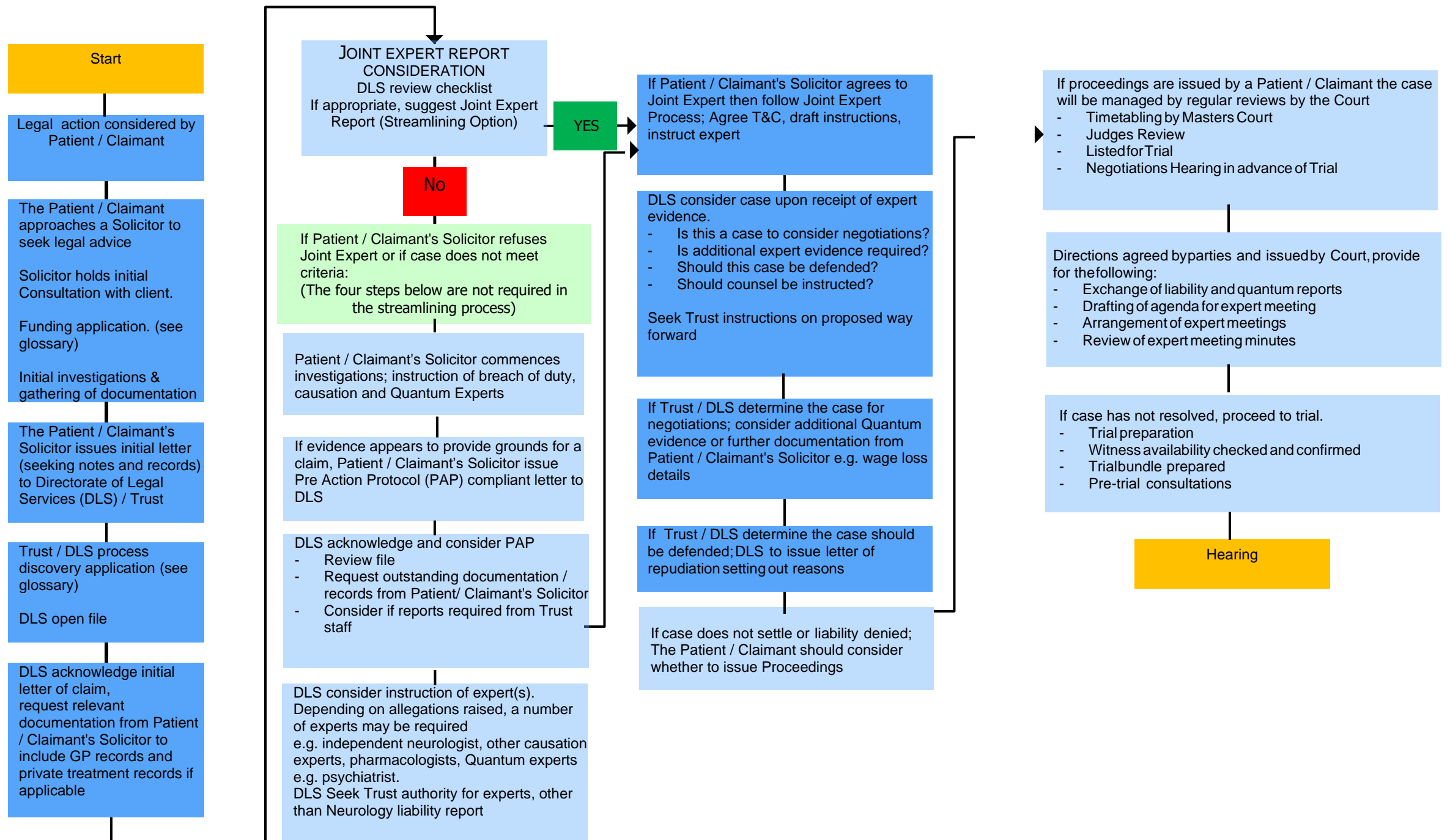


# Neurology Recall: Claims Process Flowchart



## Glossary

**Claimant** – the Patient or person making the claim on behalf of someone.

**Funding application** – Patients may wish to explore, with their solicitor, if Legal Aid is available.

**Directorate of Legal Services (DLS)** – The legal team acting on behalf of the Belfast Trust.

**Discovery application** – the process whereby the Claimant solicitor writes to the Trust to seek copies of all relevant records held by Belfast Trust

**Joint Expert Report / Streamlining** – There is potential to offer a streamlined approach which includes the instruction of a “joint expert” to provide a joint medical report, at no expense to eligible Patients / Claimants. DLS will consider each claim in line with the Guiding Principles and will offer the streamlined approach is appropriate. If the Claimant accepts the streamlined offer the Patient / Claimant case will progress as quickly as possible to the next stage. The streamlining option will remove the need for separate expert reports and therefore reduce the timeframe for progressing cases. The flowchart indicates the four steps within the claims process which are by-passed when the streamlined option is agreed and applied.

**Instruction of Breach of Duty** – The health practitioner must have acted in a way which fell short of acceptable professional standards. Known as the ‘Bolam’ principle, this tests whether the actions of the health professional in question could be supported by a ‘responsible body of clinical opinion’. This test is not about what ‘could have been done’ – that other health professionals might have done something differently, but whether it ‘should have been done’ – would a ‘responsible body’ of health professionals support the action taken? There is also a further test known as ‘Bolitho’. This means that the court should not accept a defence argument as being ‘reasonable’, ‘respectable’ or ‘responsible’ without first assessing whether such opinion is withstands logical analysis.

**Causation** – The harm suffered must be shown, on the balance of probabilities, to be directly linked with the failure of the health professional to meet appropriate standards. If, for example, there was a good chance that the harm would have taken place even if the health professional had acted differently, then a claim is unlikely to succeed. You will need to establish both a breach of duty of care and causation to be entitled to receive compensation.

**Quantum Experts** – The quantum expert's role is to provide independent reports, prepared by a professional with expertise in that area.

**Pre Action Protocol (PAP)** - A letter prepared by the Claimant's solicitor setting out the Plaintiff's case to the Trust.

**T&C** – Terms and conditions

**Proceedings** – a shorthand term for all the court procedures and documents before the final court order.

**Writ** – A document which starts a case in the King's Bench Division.

**Statement of Claim** - The Statement of Claim is the legal document setting out the details of the claim.

**Counsel** - The legal system in the UK uses the term counsel as an approximate synonym for a barrister, and may apply it to mean either a single person who pleads a cause, or collectively, the body of barristers engaged in a case.

**Directions agreed** – Agreed timetable for progression of a case up to the date of Hearing.