

2018 Standard Civil Contract

Specification

Category Specific Rules:

Clinical Negligence

Category Specific Rules

Section 15 Clinical Negligence

This part of the Specification sets out the rules relating to cases undertaken in the Clinical Negligence Category of Law. Providers must satisfy themselves before undertaking work in the Clinical Negligence Category that the work is within scope.

Supervisors' Legal Competence Standard

- 15.1 The Supervisor must hold current membership of one of the following accreditation schemes:
 - (a) The Law Society's Clinical Negligence Accreditation Scheme; or
 - (b) The Action against Victims of Medical Accidents (AVMA) Clinical Negligence Panel; or
 - (c) The Association of Personal Injury Lawyers (APIL) Clinical Negligence Accredited Specialist Panel.
- 15.2 The Supervisor must be a member of a network organisation (national or regional) which provides a regular forum for meeting other specialist clinical negligence practitioners with the aim of maintaining and improving knowledge and understanding of clinical negligence law and best practice.

(Note: Regular forum means at least twice a year. Membership means attendance at one meeting per year as a minimum, plus evidence that issues raised by all minutes or any publications have been assessed for the purpose of determining whether any should be raised with, or the subject of training for, supervised staff).
- 15.3 The Supervisor must have access to a detailed and regularly maintained list of experts from which supervised staff can be directed, or can direct themselves under supervision, to the most appropriate source of assistance according to the nature of the case and type of expert services required.
- 15.4 The Supervisor must take account of any changes in legislation and case law.
- 15.5 At all times throughout the Contract Period the Supervisor must, during the preceding 24 month period, have provided professional legal services in relation to a minimum number of 5 cases which relate in whole or in significant part to a claim for damages in respect of clinical negligence or alleged clinical negligence which caused or is alleged to have caused neurological injury to an infant as a result of which that infant is severely disabled. The clinical negligence referred to in this Paragraph must have occurred or be alleged to have occurred where the conditions set out in paragraphs 23(2) and 23(3) of Part 1, Schedule 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 have been met.

Authorised Litigators

- 15.6 The requirements in relation to Authorised Litigators at Paragraph 2.8 of the Specification do not apply to Providers when conducting Contract Work within this Category.

Supervisor Standards

- 15.7 In order to receive or maintain a Schedule Authorisation in the Clinical Negligence Category of Law you must have at least one part time equivalent Supervisor in this Category of Law. For the purpose of this Paragraph "part time equivalent" means the equivalent of an individual working 17.5 hours a week during Business Hours excluding breaks.
- 15.8 Subject to the provisions of this Contract, an individual who is a Supervisor in this Category may also be a Supervisor in another Category of Law but only to the extent that any such individual does not work more than full time equivalent working hours. For the purposes of this paragraph "full time equivalent working hours" means 5 days a week and 7 hours on each such day (excluding breaks).

Procurement Area Coverage

- 15.9 Where you have Schedule Authorisation in the Clinical Negligence Category of Law, you must have sufficient capacity and resources in place to ensure you are reasonably accessible and available to perform Contract Work for Clients located across the whole of the Procurement Area.