

**PIcArbs**

Don't litigate, Arbitrate.

25 OCT 2017

dated 23.10.2017

**To: the Right Honourable Meg Hillier MP**  
**Public Accounts Committee Chair**  
House of Commons, London, SW1A 0AA

Dear Meg Hillier MP

Re: NHS Clinical Negligence Costs – Your investigations

We offered our arbitration service to the NHSLA in 2015. Since that time we are not aware of a single case in which the NHSLA has offered to any claimant lawyers to arbitrate any clinical negligence case instead of litigating.

Mediation is helpful in some cases but it is not binding so does not resolve the majority of trickier clinical negligence cases. The mediator cannot force the NHSLA to move fast. That is why the take up is so low.

Arbitration by post event submission agreement is binding, takes the dispute out of the court system saving the taxpayer money, saves the NHSLA court fees, is more co-operative and quicker.

Arbitration is used to resolve commercial, shipping, building and energy disputes for around 50% of cases in the latter fields (see the Price Waterhouse Cooper survey of 2013).

Perhaps your committee would like to consider this route and ask Helen Vernon why the NHSLA has not even tried arbitration for clinical negligence claims to date.

Yours sincerely



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