
Overview

This standard is about providing specialist advice and representation relating to clinical negligence. You will establish clients' needs and expectations of services, research information which is relevant to their situations and provide them with appropriate and accurate legal advice. This includes advising clients on more complex and specialised areas of law. You will know how to prepare and present cases on behalf of clients, but will also know how to undertake more complex legal actions such as challenging legal decisions.

**Performance
criteria**

You must be able to:

- P1 establish with clients the services that you can offer in line with their requirements and your organisations requirements
- P2 check clients' understanding of legal advice services is consistent with information you have provided
- P3 agree with clients where situations require immediate action in line with organisational requirements , and:
 - P3.1 take steps to implement this
- P4 agree next steps with clients in line with organisational requirements
- P5 agree further actions with clients in line with organisational requirements including:
 - P5.1 procedures
 - P5.2 responsibilities
 - P5.3 time limits
- P6 analyse available client information to assign relevance to their case in line with own professional judgement
- P7 review sources of information to assess applicability to clients' situations
- P8 check that information obtained is in line with organisational requirements to enable you to advise clients
- P9 analyse information received from clients and the research process to formulate options in line with clients' needs
- P10 present clients with information and possible options for action in line with organisational requirements
- P11 advise clients on the implications of possible options in line with organisational requirements
- P12 check clients' understanding of the advice offered in line with organisational requirements
- P13 open client case files in line with organisational requirements
- P14 design an action plan with clients in line with organisational requirements, and:
 - P14.1 agree roles and responsibilities for progressing actions in line with organisational requirements
- P15 take steps to initiate and progress actions on behalf of clients in line with

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agreed timescales

P16 evaluate case progress against milestones and outcomes in line with organisational requirements

P17 carry out actions in order to progress the case outcomes to conclusion in line with organisational requirements

record client details and agreed actions in line with organisational requirements

Knowledge and understanding

You need to know and understand:

- K1 legislation and case law in your jurisdiction relating to clinical negligence
- K2 pre-action protocols
- K3 ways to resolve clinical disputes
- K4 the rules relating to limitations of actions
- K1 how European Union legislation impacts on clinical negligence legislation
- K5 the protocols and rules relating to relevant courts in your jurisdiction as they relate to clinical negligence litigation
- K6 types of claims arising from death
- K7 the structure of the public health services, the roles and responsibilities of professionals within them and how this can affect clinical negligence claims
- K8 the indemnity rules relating to complaints to hospitals, trusts, primary healthcare authorities, statutory organisations
- K9 the considerations when dealing with private health care
- K10 the role of medical defence bodies
- K11 the codes of practice that apply to different medical and health professionals
- K12 the procedures for review of medical records in relation to cases
- K13 the range of pre-litigation procedures relating to clinical negligence
- K14 the rules and procedures relating to accessing funding for cases
- K15 the rules relating to different types of awards for damages
- K16 the relationship between clinical negligence work and welfare benefits
- K17 the importance of clients obtaining independent financial advice in the case of being awarded substantial damages payments, and:
 - K17.1 where to refer them for specialist advice
- K18 the ethical issues and problems in clinical negligence litigation
- K19 the medical ethical codes
- K20 professional relationships between different branches of the medical and health professions
- K21 how to work professionally and sympathetically with clients who have suffered trauma, and why this is important
- K22 how to select and use expert witnesses

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K23 product liability in clinical negligence cases

K24 how 'group actions' operate, and:

K24.1 when to refer clients to the 'lead solicitor'

K24.2 time limitations for claims

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Relevant occupations	Legal Advisers; Legal Associate Professionals
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Suite	Legal Advice
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