

Reforms will shrink pay-outs for NHS errors

Ministers accused of 'robbing brain-damaged babies' with new deal to fast-track compensation

By **Laura Donnelly** HEALTH EDITOR

BRAIN-DAMAGED babies will be "robbed" of compensation under Government plans to speed up negligence claims, safety campaigners have warned.

Ministers are poised to announce reforms of medical negligence, which

they say will speed up access to damages for families devastated by maternity blunders.

But patient groups and lawyers have criticised the proposals – saying that parents who take up the scheme will be left without enough compensation to care for their children.

The plans are due to be announced next month, following a consultation earlier this year. It follows revelations that claims for babies left brain damaged by negligence have soared by almost a quarter in just one year – bringing costs to record levels. The system of fast-track compensation for children

left suffering brain damage or cerebral palsy has been drawn up amid concerns that the NHS is failing to learn lessons from tragic mistakes and spending too much on lawyers.

Ministers say it means parents will receive the compensation they need far sooner after their cases are heard by independent panels of maternity experts.

But patient groups are concerned that those who sign up for the scheme, in the hope of avoiding years of legal battle, may not realise that they are likely to get less compensation than if they are successful in court. The proposals suggest that typically, the total

compensation would be around 10 per cent less than the average court award.

Health officials said that this was "deemed to be a proportionate and reasonable offer" although individual calculations would take account of the needs of individuals.

Last night Peter Walsh, chief executive of charity Action against Medical Accidents, urged ministers to drop the proposal, saying that babies should not be denied the care they needed because the NHS was trying to cut its bills. He said: "We can see absolutely no justification for giving families less compensation than if they had gone to

court. These payouts aren't a windfall or a lottery – they reflect the costs of round-the-clock care for a profoundly disabled person, for life."

He added: "Robbing a brain-damaged child of the compensation they need is a truly hideous idea, and one they need to rethink."

Mr Walsh said he was broadly supportive of the ideas behind the scheme but he questioned whether panels of experts commissioned by NHS litigation authorities would be truly independent.

Alan Mendham, from the Society of Clinical Injury Lawyers, said: "Whilst

we welcome the idea of rapid investigations and early admissions of liability, the price for this should not be under-compensating children." He added that basing figures on less than the average award could mean more than half of children were under-compensated.

A Department of Health spokesman said: "Rather than being forced to enter painful court disputes which can take many years to resolve, eligible families will quickly be offered care packages tailored to the needs of their child, with a similar level of provision to court settlements. Families would still have the right to the litigation route."