

# Medical malpractice defence

## MEDICAL MALPRACTICE CLAIMS

We have handled tens of thousands of claims, including ground-breaking cases, ensuring that not only was the right result achieved in a fair and economic way but that, more importantly, throughout the whole process the individual health professional and/or the organisation at the centre of the claim felt fully supported. We will give your insureds the “peace of mind” you want them to have.

Capsticks has, for more than 40 years, been one of the go to clinical negligence defence firms for the NHS. For the past two-decades, we have also assisted Medical Malpractice Insurers and their individual Insureds of all specialisms from Spinal Surgeons, Orthopaedic Surgeons and Obstetricians to plastic surgeons and allied health professionals..

Having handled schemes for Lloyds insurers over that timeframe, we understand the concerns Insureds have when faced with a claim. There may be an overlap with disciplinary, regulatory or inquest proceedings which leaves questions as to how their fitness to practise may be impacted. We support your insured so they are fully informed of the process and the strategy and at all times are engaged with the collective aim, whether that is settlement or proceeding to trial.

We also have experience of acting for a wide variety of entities on instructions from Lloyd’s insurers including hospitals, clinics, sexual health and planning centres, care and nursing homes, hospices, telemedicine companies, diagnostic centres, psychiatric units and rehabilitation centres and many others.

We regularly represent hospitals of varying sizes and clinics providing surgical and other procedures. We understand practising privileges and indemnity arrangements in these healthcare settings as well as the issues of vicarious liability that may arise even where indemnity arrangements are in place. We also understand the shift in focus following the Paterson Inquiry Report and the Medical Practitioners Assurance Framework and the change in these organisations’ work as a result of the Covid-19 pandemic.

## HOW CAPSTICKS CAN HELP

### Better results for clients

We provide a proportionate and commercial early view on whether to settle or fight. Once the decision is taken, we achieve the result as economically as possible.

We work with both Insurers and the Insured to ensure that clinicians are fully involved in the legal process, and in particular in the decision whether to settle or fight. We work to ensure that clinicians “buy into” and understand the decision of underwriters.

### Helping to reduce risk

Capsticks has a national reputation for clinical risk management, and has been working for many years with the NHS on systems to mitigate clinical risk and avoid litigation. We continue to offer our Diploma in Clinical Risk Management, and can work with your insured to feedback “lessons from litigation” and to ensure that their risk management/governance policies for example are up to date and clear to minimise the risk of future claims.

### Using systems to further your objectives

We understand the importance of shaping our methods to fit in with your business, and work with our clients to design and implement reports and work management protocols specific to those clients’ needs. Meeting your KPIs is our priority. Capsticks are ISO9001 accredited.

### Offering you value

As a national firm based in London, Birmingham, Leeds, Winchester & Chorley, we can offer our clients highly competitive rates whilst still maintaining the highest standards of service, quality and added value.

## CONTACT



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