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NHS to Change the Way They Investigate Serious Incidents

The NHS recognises that responding appropriately when things go wrong in healthcare is key to improving patient safety. Until now, this has been dealt with using the [Serious Incident Framework](#), last updated in 2015.

At the moment, the framework confirms what the NHS consider to be a serious incident as “...serious incidents are events in health care where the potential for learning is so great, or the consequences to the patients, families and carers, staff or organisations are so significant, that they warrant using additional resources to mount a comprehensive response”.

The sorts of incidents the framework states must be investigated include unexpected or avoidable death or injury, abuse and [Never Events](#).

At Lester Aldridge, our [medical negligence](#) lawyers are well used to requesting and reviewing the reports and all associated risk management documentation when a serious incident occurs. These reports are known as Serious Incident Investigation Reports (SIIR), Root Cause Analysis reports (RCA) or, less commonly, Serious Untoward Incident (SUI) reports. We use them to assess the reaction of the NHS to the reported incident, and, sometimes, where the report confirms that the NHS believe there has been negligence, we can use their comments in our first letter to the NHS notifying them of a potential claim.

The NHS has recently announced that there will be a new framework which they hope to have in place across all care providers by Autumn 2023. This will be called [The Patient Safety Incident Response Framework](#). A report within this framework will be called a Patient Safety Incident Investigation (PSII).

There will not be a specified list of events that will be investigated as there was under the previous framework. From a review of the relevant documents, it appears that the new framework aims to investigate fewer incidents and, perhaps, to avoid the medical negligence litigation that might arise from those investigations.

It is incredibly disappointing to hear that the NHS has adopted this new framework, and we will undoubtedly see healthcare providers being resistant to undertaking investigations that don't fall squarely within the same.

Patients and their families who think there have been failings or suspect medical negligence will not be able to push for the necessary answers.

The NHS response to any criticism is likely to be that those patients could rely on the statutory Duty of Candour introduced in November 2014. This places a duty on the NHS to tell the person or, where appropriate, their advocate, carer or family when something has gone wrong. It extends to an apology being offered or an appropriate remedy or support.

To even have a duty of candour recognised in law took many years and vast amounts of political pressure from UK charities concerned about patient safety, such as AvMA*.

For many years there has been criticism that this statutory duty is not well enough regulated and is not working well for patients and their families. This led to far more reliance on the Serious Incident Framework and investigations by medical negligence lawyers into potential negligent care/incidents resulting in physical or psychological harm.

The change to the new Patient Safety Incident Response Framework means, potentially, less investigation and more reliance on the duty of candour. At Lester Aldridge, we are concerned that patients, carers, and families will find it even harder to navigate through complaints to get the answers they so badly need.

[Liz Oaten](#), an [AvMA](#)* accredited clinical/medical negligence specialist, says;

“The clinical/medical negligence team at Lester Aldridge are specialists in assessing the merits of a potential negligence claim with or without a serious incident report. We will always take your concerns seriously, apply our knowledge and expertise to the facts and advise whether there are prospects of success with a claim. We will guide you through any necessary complaints process, press for risk management documentation and advise on the duty of candour.”

**AvMA (Action Against Medical Accidents) is a UK charity for patient safety and justice. It provides free, independent advice and support to people affected by medical accidents. They can provide a list of accredited lawyers who have reached exceptionally high skill and client care standards.*

Our team are happy to discuss your concerns free of charge and without obligation. Please get in touch with us at online.enquiries@LA-law.com or 0344 967 0791.