

Table of Contents

| | |
|---|-----------|
| ABSTRACT..... | 2 |
| Introduction..... | 3 |
| Chapter 1: Identify and explain the current conflict resolution structure in the UK, along with issues, cost burdens and results concerning the parties involved..... | 5 |
| Issues in Medical Negligence Conflict Resolutions..... | 8 |
| Chapter 2: Identify recent case studies, reports and alternative steps from Canada (another socialised healthcare country with a healthcare and legal system similar to the UK but with different practices) and compare these to current UK practice ... | 11 |
| Chapter 3: Identify steps lawyers may take to assist their clients in the reduction of costs, time and resources. Consider both substantive and procedural conflict resolution/medical law..... | 20 |
| Defendant Recommendations..... | 20 |
| Claimant Recommendations..... | 27 |
| Parliamentary Proposals | 31 |
| Chapter 4: Summarise conflict resolution (mediation and arbitration) trends and options for legal practitioners moving into the future. Parley ideas and concepts taken from my research on current conflict resolution practice along with future challenges. Discuss application to my current practice..... | 34 |
| Conclusion..... | 38 |
| Table of cases | 41 |
| Table of Legislation | 41 |
| Bibliography - Secondary Resources | 41 |

medical malpractice, is a legal course of action that occurs when a medical or healthcare professional deviates from the standards in their profession, thereby causing injury to a patient.⁶ What this means is that any patient who accesses medical care and receives avoidable harm from poor medical care has the opportunity to bring forth legal action against the individual or institution that provided that care.

⁶ Angus Crawford, 'NHS faces huge clinical negligence legal fees bill' (BBC News, 21 January 2020) <https://www.bbc.com/news/health-51180044>, accessed 20 February 2020.

⁷ MOU, 'NHS under strain from rocketing clinical negligence costs' (The MOU, 12 July 2019).

⁸ <https://www.theguardian.com/press-conference/news/2019/jul/12/nhs-under-strain-from-rocketing-clinical-negligence-costs>, accessed 22 February 2020.

⁹ NHS Resolution, Annual report and accounts 2018/19 (2019) 34.

¹⁰ *Ibid.*

¹¹ Dr Medlow, 'Proving a Medical Malpractice Case I - Proving Negligence (Part II)' (2017) 3(2) Physician's Weekly.