

Shared Insights: The Covid-19 pandemic – the challenges for in house legal teams

23 March 2021

These insights were shared at our fortnightly online forum for NHS professionals on 23 March 2021. To find out more please visit our [Shared Insights hub](#)

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[Lorna Hardman](#), Partner at Browne Jacobson spoke of her role as head of the firm's clinical negligence practice and explained that the purpose of this session was to focus on the issues that Trust legal teams have faced over the last 12 months during the Covid-19 pandemic.

Lorna and Rebecca Taylor-Onion, Senior Associate at Browne Jacobson, have been focused on indemnity issues stemming from the pandemic. In the early stages of the pandemic they were involved with indemnity arrangements with the private sector and discharging patients to care homes. More recently they have advised on some of the indemnity issues arising from the challenges of the vaccination programme.

Rishipal Singh, Solicitor & Team Leader at NHS Resolution spoke of the challenging year everyone has faced and his experience of being involved in supporting NHS Resolution's Covid-19 claims handling processes.

The Shared Insights were:

- NHS Resolution have created a central area for updates on their website and regularly update the FAQs.
- NHS Resolution have been collaborating with the claimant fraternity about what claims are to be expected in the future.
- It will be necessary to test the standard of care in relation to future Covid-19 claims in the courts.
- Covid-19 clinical negligence claims are expected to be made by both staff and patients.
- NHS Resolution is treating Covid-19 claims like any other claims, with no difference in reporting requirements.
- Similarly, guidance on inquest funding has not changed. Where there is a claims risk Trusts should report to NHS Resolution in the usual way but inquests relating to Covid-19 are not been treated any differently.
- Inquests are already being heard in the Coroners Court in relation to Covid-19 related deaths.
- Where possible Trusts should be taking practical steps now in respect of Covid-19 document retention with central storage of documents/information and what guidance/documents were given to clinicians and when and how that changed over the course of the pandemic.

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