

Relationships with patients and their representatives

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As a national law firm, Browne Jacobson works with healthcare organisations across the country, helping resolve patients' disputes efficiently, fairly and with integrity. Where there is a claim, the majority (although not all) of those patients have solicitors helping them to resolve their concerns and some represent themselves.

At Browne Jacobson we recognise the need to put the injured patient at the heart of the work we and our clients do. In order to understand how best to do this, we meet regularly with the Claimant law firms we deal with the most, to discuss ways in which we can work more collaboratively to achieve resolution of patients' issues.

One of the most important elements is communication. Establishing a rapport with the patient or their representative is key to building trust and facilitating open and honest discussions. We have found this is best achieved by using the telephone frequently. Our lawyers are encouraged to carefully consider the tone of any communications and to avoid using emotive or technical language, and we advocate this approach not just in claims management, but in all communications that we and our clients have with patients (particularly in the early stages of a complaint or a potential claim). The underlying message has been summed up by Phil Barnes, Partner at Shoosmiths, which is that "we should respect one another and the roles that we do."

Also key to more collaborative working is exploring alternative ways to resolve disputes, outside of the litigation process. Browne Jacobson holds "Resolution Days" where a number of cases are discussed with Claimant representatives. The outcome is not always a payment of compensation: it can result in withdrawal of a claim or a narrowing of the issues in dispute. As Karen Reynolds, Partner at Freeths has explained, "a holistic approach is important for Claimants... they want to understand what happened and prevent it from happening again." We recognise the power of mediation in achieving this and also engaging in without prejudice discussions, involving the patient and clinician when it is appropriate to do so.

This approach benefits our clients in that it aids concerns being resolved fairly and at an earlier stage.

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