

ESTABLISHING A LEGAL SERVICE FOR MAJOR TRAUMA PATIENTS IN TWO MAJOR TRAUMA CENTRES

WH Seligman¹, HE Thould¹, A Dinsmore², C Tan², J Thompson¹, CA Eynon³ and DJ Lockey¹

¹North Bristol NHS Trust

²Stewarts Law LLP

³University Hospital Southampton NHS Foundation Trust

Introduction:

- Major trauma causes unanticipated critical illness and patients have often made few arrangements for what are sudden and, in many cases, life-changing circumstances
- This can lead to significant financial, housing, insurance, legal and employment issues for patients and their families

A free legal service for major trauma patients

- In 2013, a pro-bono legal service was established for major trauma patients at North Bristol NHS Trust and University Hospital Southampton NHS Foundation Trust
- A national law firm, Stewarts Law LLP, worked within the major trauma services to develop a free and comprehensive legal service for major trauma patients and their families at these two Major Trauma Centres (MTCs)
- Referrals to the legal service are made by trauma nurse practitioners
- The service operates within a strict pre-approved ethical framework
- Consultations are usually conducted within the hospital
- Advice is provided on compensation issues (claims for damages against a third party) and non-compensation issues (powers of attorney, critical illness insurance, welfare benefits, employment, housing etc)

Consent	Non-compensation advice provided free of charge	Scope of practice
<ul style="list-style-type: none"> Written consent for referral is sought from the patient or their relatives Referrals should be made in the patient's best interests 	<ul style="list-style-type: none"> The legal service is provided entirely free of charge The legal service will assist the patient and their family with non-compensation issues free of charge for as long as those issues are in existence In the event that a potential compensation claim is identified, Stewarts Law provides the patient and/or family with a list of specialist solicitors – there is no obligation to instruct Stewarts Law 	<ul style="list-style-type: none"> The legal service will provide advice on non-compensation issues as well as identifying any potential compensation claims The legal service will not act in any matter against the Trust

Methods

- A retrospective analysis of the activity of this legal service between September 2013 and October 2015 was undertaken

'After Steve's accident and all the emotion that goes with it, the support of the Legal Service team was very reassuring and supportive. The personal touch and the information given when so many life changing decisions needed to be made was comforting'

A patient's family

Case study 1

- Patient A was an inpatient following a traumatic intracerebral bleed
- The patient was the sole provider for the family and the accounts were in his sole name
- The legal service assisted the family by liaising with the utility companies and the bank to arrange payment holidays until the patient was in a position to liaise with the companies himself

Case study 2

- Patient B sustained a spinal cord injury after falling from her horse
- The patient had the benefit of two personal accident insurance policies but did not feel she could make a claim on the first critical illness policy as she felt she did not meet the definition of 'permanent total disablement'
- The legal service reviewed the policy and considered that the definition of 'permanent total disablement' was ambiguous and wrote to the insurance company on the patient's behalf
- The patient subsequently received £92,000 which constituted full payment under this policy

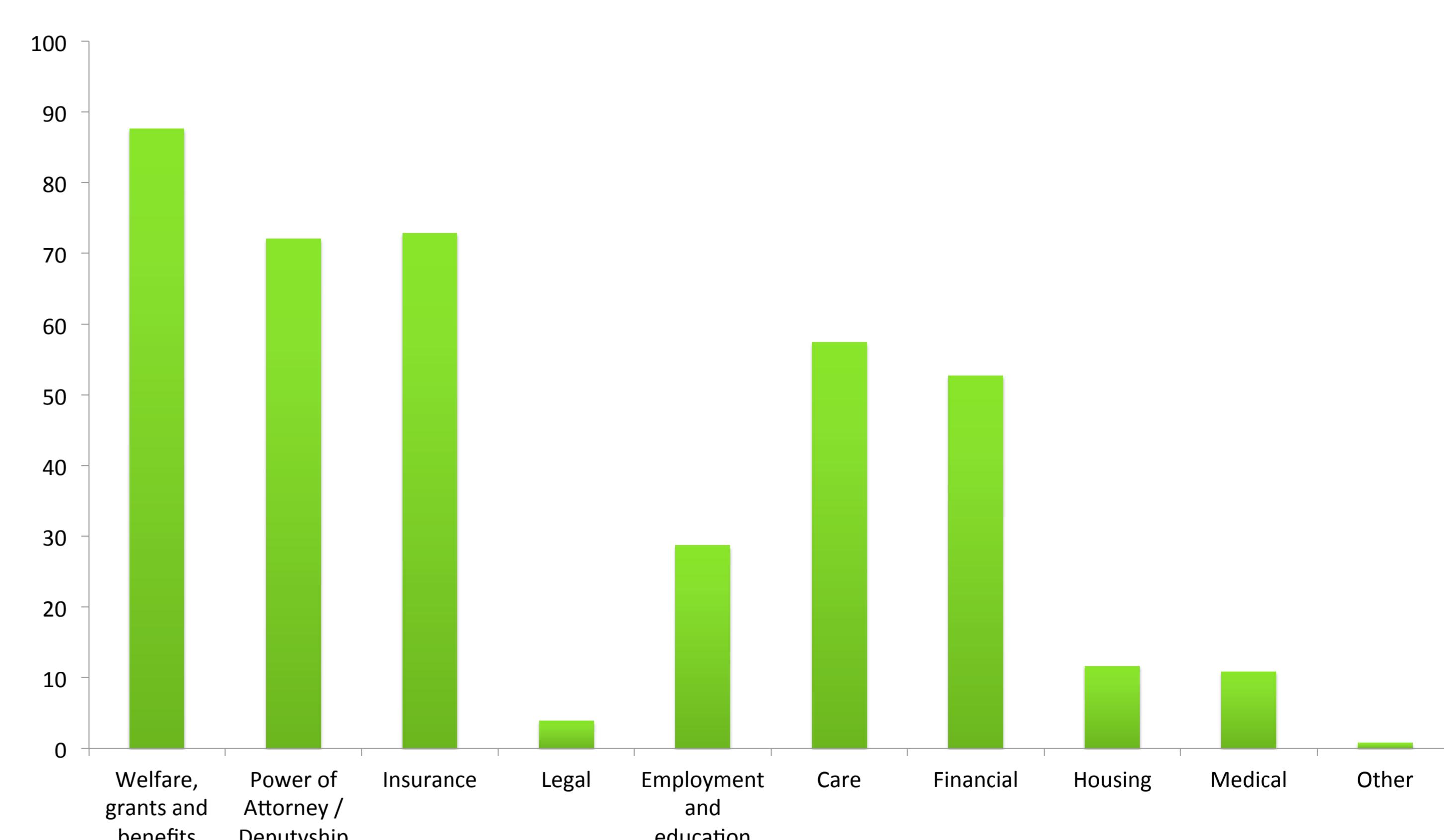
Results

- 129 major trauma patients and their families were seen by the legal teams at the two MTCs
- This represents 15% of the total number of major trauma patients admitted to the ICUs in this time period
- 841 hours of free legal advice were provided on non-compensation issues
- Potential compensation claims were also identified in 70% of cases with a wide range of law firms instructed by patients
- Initial feedback from participants has been positive

Table 1. Table showing the number of patients seen, the percentage with potential claims identified and the average number of hours spent per patient at each MTC

	Patients seen	Total patients	% of total trauma patients seen	% of patients seen with compensation claims identified	Average number of hours spent per patient
Bristol	66	594	11%	73%	8
Southampton	63	260	24%	66%	5

Figure 1. Graph showing the percentage of cases in which various types of non-compensation advice was offered (n = 129)



'The provision of legal advice for trauma patients needs to be an opt-in, free to all, comprehensive, assured and available in all Major Trauma Centres. Legal advice has the potential to fund enhanced rehab for many patients and the NHS needs to work with the legal profession to achieve this'

Minutes of NHS England Major Trauma 2 Day National Conference, Birmingham, September 2015

Discussion and conclusion

- This initiative demonstrates a need for early legal advice for major trauma patients and their families to address a range of non-compensation issues as well as helping address potential compensation claims
- Early identification and management of these issues can help to alleviate the anxiety experienced by patients and their families
- It may also perhaps assist with recovery and rehabilitation
- The utilisation of this service suggests that it should be considered at other MTCs, an aspiration that has recently been announced by NHS England