

07 August 2018

Our Ref: JC/JL
DG Ref: 500880

The Honourable Mr Justice Charles Meenan
The High Courts
Four Courts
Dublin 7

Re: Expert Group – Review the Law of Torts

Dear Justice Meenan,

I refer to your letter of 6 July 2018 in connection with your role as Chair of the Expert Group to review the law of torts and the current system for the management of clinical negligence claims. In particular I welcome the request for submissions from interested parties.

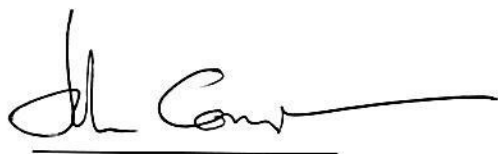
I have circulated the Terms of Reference for the Expert Group to the HSE senior Leadership Team for their consideration and input. The establishment of the Expert Group has been widely welcomed by HSE leadership and the terms of reference appear to be quite comprehensive. Our belief is that the current system needs radical overhaul of the way claims are dealt with.

It is recommended that the Expert Group should, under Term of reference B, consider placing as much emphasis as possible on the use of mediation as an earlier mechanism in the dispute resolution process as an alternative to the Courts process. It is felt that this would enable the matter to be resolved with a greater degree of sensitivity and could also enable matters to be resolved in a timely manner. Our view is that the current system places a significant strain on the claimant.

We would also recommend that the Book of Quantum needs updating to reflect actual costs associated with injuries. Some consideration should be given to making an interim payment which would cut out the need for ex-gratia payments. In cases where large sums are to be paid out, the periodic payment system would be more appropriate.

I look forward to receipt of your interim report in due course and would welcome the opportunity to contribute further at that stage. I am conscious that your group has a relatively short timeframe within which to report. Accordingly, I would like to assure you of my co-operation and that of the HSE with this important work. Please feel free to contact my office directly or through the HSE nominee to the Expert Group, Gavin Maguire, should you require any assistance or clarification.

Yours sincerely



John Connaghan
Director General

Vision

A healthier Ireland
with a high quality
health service
valued by all

Mission

- ▶ People in Ireland are supported by health and social care services to achieve their full potential
- ▶ People in Ireland can access safe, compassionate and quality care when they need it
- ▶ People in Ireland can be confident that we will deliver the best health outcomes and value through optimising our resources

Values

We will try to live our values every day and will continue to develop them over the course of this plan

Care

Compassion

Trust

Learning