

27 March 2020

Dear Sirs

COVID 19 – Legal services and co-operation sought

We are as an organisation, as with all public bodies and private businesses, working to steer the Trust through uncharted waters of COVID19.

We are working to protect our staff but also, as far as is possible, provide continuity (in particular with regard to claims/inquests) in these adverse circumstances and appreciate that law firms will be attempting to do the same.

However, this is a situation that none of us have ever been in and in these testing times, we have encouraged all our claims staff to work from home for the foreseeable. We are therefore writing to seek your assistance and agreement to pursue a more consensual approach to litigation in the forthcoming months.

As we look to adapt, we will unfortunately have to step down all legal/inquest work being undertaken as an organisation. We will not be able to review claims as an organisation and are therefore notifying you that we will be seeking extensions of time in respect of all current Court directions and timetables. We anticipate that the Courts will take a dim view of 'viral game playing' and indeed as had already been indicated in O'Driscoll v FIVE Bianchi S.p.A that the normal 28 day rule under CPR 3.8(4) will be relaxed in appropriate circumstances by granting a 56 day extension by consent.

We therefore invite you and your fee earners to take a consensual approach to considering requests for the extensions. We will also, as an organisation ensure our staff respond in the same fashion to requests made by you.

You will appreciate that our clinical staff are currently working with all their efforts to focus on patient health/safety given the current situation. Unfortunately, this means they simply do not have capacity to assist in on-going claims work.

We must also draw your attention to the fact that at present, we do not have capacity to copy medical records; we will need to review this in the coming weeks, subject to the progress in fighting COVID-19.

We believe that the steps we are taking will support a safe working environment for our staff, but also prevent delay/unnecessary costs during this period. The Courts have indicated that it expects parties to take reasonable and proportionate steps in the current climate and we therefore hope you are agreeable to this approach.

Yours sincerely



Northern Care Alliance

