

7 October 2020

Lord Faulks QC,
Chair of the Independent Review of Administrative Law

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Dear Lord Faulks

Thank you for inviting NHS Resolution to respond to the call for evidence on the Independent Review of Administrative Law. Following consideration we have a limited amount to contribute, therefore we have focused our brief answers on two specific questions which are set out below.

Question 2

In relation to your decision making, does the prospect of being judicially reviewed improve your ability to make decisions? If it does not, does it result in compromises which reduce the effectiveness of decisions? How do the costs (actual or potential) of judicial review impact decisions?

There are areas of decision making within NHS Resolution's work which we consider could result in Judicial Review proceedings. The view of NHS Resolution is that the possibility of Judicial Review helps to reinforce good practice around procedure and decision making. Therefore, we take the view that the prospect of being Judicially Reviewed does improve our decision making.

Question 12

Do you think that there should be more of a role for Alternative Dispute Resolution (ADR) in Judicial Review proceedings? If so, what type of ADR would be best to be used?

We note the Pre-Action Protocol governing Judicial Review includes an obligation on parties to consider Alternative Dispute Resolution which we fully support. Regarding the type of ADR which could be used, the Pre-Action Protocol list appears to be comprehensive and includes mediation, which NHS Resolution has found to be effective in settling disputes.

Thank you for the opportunity to contribute to this review.

Yours sincerely



Helen Vernon
Chief Executive

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