



**ACADEMIC SERVICES**

**MODULE SPECIFICATION**

Part 1: Basic Data					
Module Title	Clinical Negligence				
Module Code	UJXUSE-10-M	Level	M	Version	1.1
UWE Credit Rating	10	ECTS Credit Rating	5	WBL module?	No
Owning Faculty	Business and Law	Field	Law Non-Modular		
Department	Law: BILP	Module Type	Professional Practice		
Contributes towards	Bar Professional Training Course				
Pre-requisites	None	Co- requisites	None		
Excluded Combinations	None	Module Entry requirements	N/A		
First CAP Approval Date	QSC 28 April 2010	Valid from	September 2010		
Revision CAP Approval Date	1 June 2016	Revised with effect from	September 2016		

Part 2: Learning and Teaching	
Learning Outcomes	<p>On successful completion of this module students will be able to:</p> <ol style="list-style-type: none"> <li>1. Research and understand the context in which Clinical claims arise, with regard to current trends.</li> <li>2. Understand how to research and utilise the clinical facts in a Clinical negligence case.</li> <li>3. Research and apply the law learnt in relation to Liability in Clinical Negligence and apply to the facts of a particular clinical case.</li> <li>4. Understand the nature and importance of the Expert in a Clinical Negligence matter.</li> <li>5. Research and understand particular legal issues which might impact a Clinical negligence case.</li> <li>6. Prepare a plan for and conduct an effective conference.</li> <li>7. Understand the nature of the professional client.</li> <li>8. Advise a professional client in Conference on a Clinical Negligence matter.</li> </ol>

Syllabus Outline	<p><b>Syllabus outline:</b></p> <p>Clinical Negligence depends on an extensive familiarity with civil procedures and rules. The course was designed and organised to account for the quantity of research that the students undertook prior to each small group session (SGS).</p> <p>The students will cover:</p> <ul style="list-style-type: none"> <li>• liability within Clinical Negligence (the Bolam and Bolitho tests),</li> <li>• understanding and interpreting medical records,</li> <li>• choosing and using a medical expert,</li> <li>• skills involved in Conferencing the Professional client,</li> <li>• consideration of some of the more common procedural features of a clinical negligence claim i.e. <ul style="list-style-type: none"> <li>○ provisional damages,</li> <li>○ limitation and</li> <li>○ CPR Part 36.</li> </ul> </li> <li>• Students will write an opinion, draft a defence, draft a skeleton argument, prepare case conference plans and undertake conferences with a professional client</li> </ul>
Contact Hours	<ul style="list-style-type: none"> <li>• Teaching takes place over 1 LGS and 5 SGSs:-  LGS 1 – an introduction to the course, the structure of the NHS and to considering liability in clinical negligence cases (1.5 hours)  SGS 1 – review of the pre-action protocol, limitation and consideration of liability in clinical negligence cases (3.5 hours)  SGS 2 – review of medical records and the use of expert evidence in clinical negligence cases (3.5 hours)  SGS 3 – provisional damages and case preparation (3,5 hours)  SGS 4 – review of self-study session (coroner’s court and fatal claims) plus conference role play, quantum and offers to settle (3.5 hours)  SGS 5 – practice assessment and feedback (3.5 hours)</li> <li>• Students have access to a large amount of supporting material on Blackboard. Suggested answers to the written exercises are posted onto Blackboard. Sample performances by previous students undertaking the conferences in SGS 4 and 5 are posted onto Blackboard for students to review after completion of the session.</li> <li>• Students undertake a practice assessment which is run in the same way as the final assessment though with instant tutor feedback following their performance.</li> </ul>
Teaching and Learning Methods	<p>The Clinical negligence Option is taught over six face to face sessions and one self-study unit.</p> <p>The students learn the Clinical Negligence law skills through their application of knowledge gained from:-</p> <ul style="list-style-type: none"> <li>• directed self study on the statutes, rules and procedure,</li> <li>• handouts provided by the subject tutor,</li> </ul>

	<ul style="list-style-type: none"> <li>• practical exercises in the small group sessions and tutor led in class feedback with an element of peer review. The practical exercises include fact analysis, conferencing and drafting.</li> <li>• tutor led written and oral feedback (incorporated in SGSs),</li> <li>• self and peer review (incorporated into SGSs),</li> <li>• the practice assessment.</li> </ul> <p>Students are also expected to engage in independent learning including hours engaged with essential reading, case study preparation, assignment preparation and completion.</p> <p>Students will consolidate their learning by reviewing their work and comparing with the suggested answers and past performances on Blackboard.</p>
Reading Strategy	<p>Students are provided with hard copy and web based resources. There is an option specific Blackboard Clinical Negligence option folder which outlines research and text resources and contains the handouts referred to for preparation and during the small group session.</p>
Indicative Reading List	<ul style="list-style-type: none"> <li>• Code of Conduct of the Bar of England and Wales.</li> <li>• The course text, "Clinical Negligence Claims: A Practical Guide". 3<sup>rd</sup> Edition. 9 Gough Square.</li> <li>• Access to key Health Services and Clinical Negligence law electronic resources via LexisNexis and Westlaw. The hard copy sources were available in the student resource room and the Bolland library.</li> <li>• Access to key online clinical resources via the School of Health and Social Care</li> <li>• Website resources as referred to above including <ul style="list-style-type: none"> <li>○ <a href="http://www.opsi.gov.uk">www.opsi.gov.uk</a> - for statutes and statutory instruments</li> <li>○ <a href="http://www.nhs.uk">www.nhs.uk</a> – for Defendant based resources</li> <li>○ <a href="http://www.avma.co">www.avma.co</a> – for Claimant based resources</li> </ul> </li> </ul>

### Part 3: Assessment

Assessment Strategy	<p>In preparation for the assessment the students are provided with assessment criteria which is included in their introductory information.</p> <p>Students are introduced to the structure and intended outcomes of a conference with a professional client in SGS 2 &amp; 3. In SGS 4 they are required to prepare a case conference plan and role play part of a conference. In SGS 5 they undertake a practice assessment in replication of the final assessment, though with individual feedback immediately following their performance.</p> <p>There is one component which must be passed/complied with:</p> <ol style="list-style-type: none"> <li>1. The assessment will consist of a conference exercise requiring the preparation of a skeleton conference plan and chronology for a clinical negligence case where the student was acting for the Defendant, an NHS Trust. Students have 20 minutes to advise their client, the Trust solicitor, in conference.</li> <li>2. The students must prepare and submit a written component, the conference plan.</li> </ol>
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	<ol style="list-style-type: none"> <li>3. There will also be some client intervention.</li> <li>4. The assessment case study is sent to students one week before the assessment.</li> <li>5. Students must ensure there are no fatal flaw errors in understanding. These will be determined by the team tutors at the time of the assessment but may include the advising on a claim that is inappropriate on the facts e.g. a failure to appreciate appropriate time limits (limitation) or some other fundamental misunderstanding about how to advise on a case in their clients best interests.</li> </ol>
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<b>% weighting between components A and B</b>	<b>A:</b>	<b>B:</b>
	100%	
<b>First Sit</b>		
<b>Component A (controlled conditions)</b> <b>Description of each element</b>	<b>Element weighting</b> <b>(as % of component)</b>	
1. Conference Plan.	100%	
<b>Component B</b> <b>Description of each element</b>	<b>Element weighting</b> <b>(as % of component)</b>	
1.		

<b>Resit (further attendance at taught classes is not required)</b>		
<b>Component A (controlled conditions)</b> <b>Description of each element</b>	<b>Element weighting</b> <b>(as % of component)</b>	
1. Conference Plan.	100%	
<b>Component B</b> <b>Description of each element</b>	<b>Element weighting</b> <b>(as % of component)</b>	
1.		
<p>If a student is permitted a retake of the module under the University Regulations and Procedures, the assessment will be that indicated by the Module Description at the time that retake commences.</p>		