



Module Specification

Clinical Negligence (BPTC)

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Part 1: Information

Module title: Clinical Negligence (BPTC)

Module code: UJXUSE-10-M

Level: Level 7

For implementation from: 2023-24

UWE credit rating: 10

ECTS credit rating: 5

Faculty: Faculty of Business & Law

Department: FBL Dept of Law

Partner institutions: None

Delivery locations: Not in use for Modules

Field: Law - non modular

Module type: Module

Pre-requisites: None

Excluded combinations: None

Co-requisites: None

Continuing professional development: No

Professional, statutory or regulatory body requirements: None

Part 2: Description

Overview: Not applicable

Features: Not applicable

Educational aims: See Learning Outcomes

Outline syllabus: 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).

The students will cover:

Liability within Clinical Negligence (the Bolam and Bolitho tests).

Understanding and interpreting medical records.

Choosing and using a medical expert.

Skills involved in Conferencing the Professional client.

Consideration of some of the more common procedural features of a clinical negligence claim:

Provisional damages.

Limitation.

CPR Part 36.

Students will write an opinion, draft a defence, draft a skeleton argument, prepare case conference plans and undertake conferences with a professional client.

Part 3: Teaching and learning methods

Teaching and learning methods: The Clinical negligence Option is taught over six face to face sessions and one self-study unit.

Teaching takes place over 1 large group session (LGS) and 5 small group sessions (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)

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.

Students undertake a practice assessment which is run in the same way as the final assessment though with instant tutor feedback following their performance.

The students learn the Clinical Negligence law skills through their application of knowledge gained from:

Directed self study on the statutes, rules and procedure.

Handouts provided by the subject tutor.

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.

Tutor led written and oral feedback (incorporated in SGSs).

Self and peer review (incorporated into SGSs).

The practice assessment.

Students are also expected to engage in independent learning including hours engaged with essential reading, case study preparation, assignment preparation and completion.

Students will consolidate their learning by reviewing their work and comparing with the suggested answers and past performances on Blackboard.

Module Learning outcomes: On successful completion of this module students will achieve the following learning outcomes.

MO1 Research and understand the context in which Clinical claims arise, with regard to current trends.

MO2 Understand how to research and utilise the clinical facts in a Clinical Negligence case.

MO3 Research and apply the law learnt in relation to Liability in Clinical Negligence and apply to the facts of a particular clinical case.

MO4 Understand the nature and importance of the Expert in a Clinical Negligence matter.

MO5 Research and understand particular legal issues which might impact a Clinical Negligence case.

MO6 Prepare a plan for and conduct an effective conference.

MO7 Understand the nature of the professional client.

MO8 Advise a professional client in Conference on a Clinical Negligence matter.

Hours to be allocated: 100

Contact hours:

Independent study/self-guided study = 81 hours

Face-to-face learning = 19 hours

Total = 100

Reading list: The reading list for this module can be accessed at [readinglists.uwe.ac.uk](https://uwe.rl.talis.com/modules/ujxuse-10-m.html) via the following link <https://uwe.rl.talis.com/modules/ujxuse-10-m.html>

Part 4: Assessment

Assessment strategy: In preparation for the assessment the students are provided with assessment criteria which is included in their introductory information.

Students are introduced to the structure and intended outcomes of a conference with a professional client in SGS 2 and 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.

There is one task which must be passed/complied with:

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.

The students must prepare and submit a written task, the conference plan.

There will also be some client intervention.

The assessment case study is sent to students one week before the assessment.

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.

Assessment components:

Final Project (First Sit)

Description: Conference Plan.

Weighting: 100 %

Final assessment: Yes

Group work: No

Learning outcomes tested: MO1, MO2, MO3, MO4, MO5, MO6, MO7, MO8

Final Project (Resit)

Description: Conference Plan.

Weighting: 100 %

Final assessment: Yes

Group work: No

Learning outcomes tested: MO1, MO2, MO3, MO4, MO5, MO6, MO7, MO8

Part 5: Contributes towards

This module contributes towards the following programmes of study: