

Corporate Services Scrutiny Panel

Submissions

Draft Damages (Jersey) Law

Dr Bryony Perchard

30/10/18

Dear Scrutiny

I have been following the damages situation with some interest. I am a GP practising locally, since arriving in the Island 15 years ago my personal defence fees have risen at 10% year on year, they are unaffordable. This is going to impact on Jersey's ability to recruit high quality primary care physicians and it has negatively impacted on the affordability of our fees. I was hopeful that the states would take definitive measures to ensure that insurance premiums can become affordable and sustainable, this proposition sadly falls short. The draft law will go some way to help the situation, however it will primarily protect States departments, not those who fall outside of this protective ring fence. PPO's are unhelpful to those not employed by the states as the medical defence organisations do not settle in this manner. It would seem that despite our essential role, primary care physicians have been ignored. I urge you to look to the experience of Australia, a crisis there provoked real change and an appropriate discount rate has been set. There is no need for Jersey to try and 'stay in line' with UK jurisdiction in this matter. We are an Island with our own unique set of circumstances. Only a rate of 4.5% or above will suffice. The aim surely is to protect those who are entitled to damages. We can only achieve this on this Island by having affordable medical defence fees, this would relieve cost pressures on fees, ensure doctors can obtain insurance and make this Island attractive to skilled professionals. If the situation is not robustly dealt with there will be a crisis in general practice and the health of the Islands population will suffer. An alternative of course would be to bring all physicians, nurses etc... under a states indemnity scheme but that is not what has been proposed, radical reform is needed to ensure that viability of the provision of care on the Island and I'm afraid this draft law is disappointing. A missed opportunity with wide reaching consequences.

With regards

Dr Bryony Perchard