



Dear Consultee,

The costs of caring for a child with cerebral palsy or a catastrophically injured young adult are very often the largest part of a serious personal injury or clinical negligence claim. Considerable progress has been made in streamlining expert evidence since the Civil Procedure Rules were implemented in 1999, including in catastrophic personal injury claims. But the cost of care continues to be a very contentious aspect of many such claims, and there is limited guidance in the rules or case-law on when and how care experts should be instructed, on the most helpful format for their reports and on the factors judges should take into account in deciding these claims. Care reports for the parties are often prepared from different information and presumptions, and using different timescales and rates for the costs of care. This makes comparison difficult and can hinder settlement or incur additional costs at trial.

The costs of care are frequently an important part of lower value claims also, when the care has usually been provided by family members, and where it is usually not proportionate to obtain reports from care experts. Parties and judges will appreciate guidance here too, particularly on appropriate hourly rates for the care claimed.

The Civil Justice Council has been working on providing better and more clearly defined guidance in this area with the Ministry of Justice and other key stakeholders. Its work in this field has resulted in draft guidance comprising:

- a Best Practice Guidance Note;
- A Care information Schedule to help parties and the court to decide at an early stage how to progress the care claim;
- a draft letter for the instruction of a care expert; and
- a template for a care expert's report.

The Guidance is not intended to be a commentary on the current law but if adopted will need to be reviewed from time to time in the light of changes in the law.

This letter invites your comments on the utility of the draft guidance by **Monday 8 March 2010**.

Please submit your comments to the Civil Justice Council by e-mail (cjc@judiciary.gsi.gov.uk) or by post to:

Civil Justice Council
Room E218
Royal Courts of Justice
Strand
London
WC2A 2LL

Should you require a copy of this letter and/or the accompanying documentation, please telephone Kitty Doherty on 0207 947 6585 or contact the Civil Justice Council by e-mail or post using the addresses above.

Finally, the Civil Justice Council would like to record its gratitude to the Clinical Negligence and Serious Injury Committee but particularly to District Judge Suzanne Burn and Joanne Easterbrook who both expended considerable time and effort in putting together these consultation documents.

Yours faithfully,

Robert Musgrove
Chief Executive
Civil Justice Council