

## **PEOPIL FOUNDATION CONFERENCE**

### **HEIDELBERG**

#### **- WHAT IS MORALLY INDEFENSIBLE SHOULD NOT BE LEGALLY PERMISSABLE**

There are a number of cases each year where people have suffered traumatic head injuries of varying severity but all sufficiently serious to suggest that firstly they cannot manage their own affairs and secondly they will need life-long care. This small group of claimants often receive large awards. However, there is little research on whether the awards are actually spent on what they were awarded or whether they last the lifetime of the claimant. Lawyers, Medics, Insurers and Rehabilitation experts met in Heidelberg to discuss in what way the PEOPIL Foundation can assist in ensuring that people with acquired head injuries are dealt with in an appropriate manner. It was good to see lively debate of the issues arising and in what way the good for the claimant can also be used to assist others without claims in our society.

Of course this is a balancing act and someone has to pay. Ultimately it is the same people who do pay – us - the taxpayer, whether this is via the insurance premium on our car insurance or general taxation and national insurance contributions or equivalents. The surroundings we were in were inspiring - a private not for profit organisation - SRH - with universities and hospitals based mainly in the south of Germany but expanding, specialising in rehabilitation of those with severe injuries to have the best possible outcome of them living a fulfilling life sometimes involving work. Clearly in the severe cases this will not be possible.

This is a cost benefit analysis and one that our hosts at SRH were acutely aware of. Receiving large amounts of state funding to rehabilitate those with injuries is only going to succeed if you can show at the end of the day that the patient is better off i.e. does not require as much assistance as without the treatment. The children's hospital that we visited was particularly impressive, and I am sure I am not alone in leaving that place thinking why such hospitals are not more prevalent across Europe. Early intervention from the A&E Departments to the Neurosurgical Units and then onto rehabilitation units is likely to achieve a better outcome than where patients are left on orthopaedic or even worse geriatric wards. But it is also the medium and long term needs that need consideration. Do you turn a family house into a cottage hospital, do you bring professional carers in, does this damage the family unit.

The PEOPIL Foundation is looking at the charitable areas of personal injury work. How do we improve the system for claimants, how can we ensure they do not fall in between services and get neither. Regardless of which side of the fence you sit you want to make sure that the patient has his or her needs met and if you are an insurer you want to know that your money is going as far as it can go. As the patient or the family of the patient you want to be sure that you are getting the best possible appropriate treatment.

We heard talks from Lawyers, Medics and the Master of the Court of Protection providing facts and figures and individual cases highlighting in some cases aspects of extreme concern. So where do we go from here. Lord Morris, who concluded the conference, explained that no task is too large, too difficult or too expensive. It is a question of what priority you give it.

Clearly we need to research the area and compare systems in the EU. We need to compare what facilities are available in the systems and how these are funded. We need to check whether the awards which a Court or parties deem are adequate prove to be adequate. We need to look at optimising damages rather than maximising damages.

Then we might have contributed in some small way to ensuring that the most vulnerable people also have their basic human rights protected.