# **TEMPLATE RESPONSE LETTER**

Dear Sirs

**Your Client –**

 **Our Client –**

Your letter of claim dated (insert date) refers. As you are aware we are instructed by (insert name of healthcare provider).

## The facts

(If the chronology of events or facts, as described in the letter of claim, are disputed, the basis of the dispute should be provided. Details should be provided, as accurately as possible from the proposed plaintiff’s medical notes / instructions from the treating clinician(s). If the proposed plaintiff has provided a chronology, the healthcare provider may supply an annotated version of same. If the healthcare provider has further information or documentation on which it proposes to rely, then these should be provided. In the event the chronology of treatment is disputed, then this should be indicated. If the proposed defendant disputes the interpretation of any medical record, then this should be made clear at this time.)

## Breach of Duty

(In the event breach of duty is accepted, this should be advised. In the event breach of duty is disputed, provide an outline, in a numbered/bullet-point fashion, where necessary, of the basis upon which such repudiation is grounded. A bare denial is not sufficient. If the healthcare provider has other explanations for what happened, details (which, if considered appropriate, include reference to other information/documentation held by the healthcare provider/other third party/any corroborative witnesses) should be provided, at least, in outline. Reference can also be made, if it is considered appropriate, to any supportive expert evidence obtained by the healthcare provider.)

**Causation**

(In the event causation is accepted, this should be advised. In the event causation is disputed, provide an outline, in a numbered/bullet-point fashion, where necessary, of the basis upon which such repudiation is grounded. A bare denial is not sufficient. If the healthcare provider has other explanations for what happened these should be given in sufficient detail to permit the proposed plaintiff to consider the basis of the repudiation.)

**Alleged Injuries – Condition and Prognosis**

(If the proposed defendant has any observation to make concerning the injuries sustained by the proposed plaintiff then this should be provided.)

**Provision of Records (Not previously provided)**

(If records previously provided to the proposed plaintiff are incomplete, full copies should be now provided and the proposed plaintiff’s advisers should be afforded the opportunity to inspect the originals, if required. The healthcare provider may also wish, if considered appropriate, to refer to/disclose any other information/documentation held by it/any third party/any corroborative witness.)

**Quantum**

(If the proposed defendant has any observation to make concerning quantum then this should be provided. If liability is admitted then quantum evidence should be requested at this time.)

**Third Party / Co-defendants**

(In the event the proposed defendant repudiates liability for the allegedly negligent act on the basis that a third party was responsible for same, then this should be clearly indicated in this letter or response. If in a position to do so, the name and address of the third party should be provided.)

**Meetings/discussions**

(If it is considered appropriate, an offer of a meeting between the parties’ legal representatives to narrow the issues or settle the claim should be made. Consideration should be given as to whether this is a claim that is suitable for mediation/ADR and, if so, offered.)

**Conclusion**

(In the event liability is not accepted then confirmation of the arrangements for service should be provided. If an agreement was made concerning the extension of the limitation period in favour of the proposed plaintiff, pending provision of the letter of response to the claim, then the proposed defendant should advise of the date when such agreement will terminate. Reasonable notice, to permit the proposed plaintiff to take such action as may be required, should be given. Such notice should be not less than 1 month.)

Finally, you will be aware that the Protocol makes clear that this correspondence is not intended to have the formal status of a pleading and, therefore, we reserve the right to provide further information under each of the above headings in due course.

Yours faithfully