

*From the Office of Sir David Nicholson KCB CBE
Chief Executive of the NHS in England*



*Richmond House
79 Whitehall
London
SW1A 2NS
david.nicholson@dh.gsi.gov.uk*

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To: Chief Executives of all NHS Trusts,
Chief Executives of all Primary Care Trust Clusters.
Copied: Chief Executives of all NHS Foundation Trusts,
Chief Executive of Monitor.

Promoting of Personal Injury Legal Services in NHS Premises

Dear colleague,

You will be aware of recent parliamentary and media interest in the practices of personal injury lawyers and claims management companies acting on their behalf, and in particular, concerns raised about the promotion of their services in NHS premises.

I am therefore writing to remind you of the department's long-standing position on this, as previously set out in a letter from the then Chief Executive and Chief Medical Officer in 2004, and subsequently in the DH Estatecode Guidance in May 2007.

While we recognise the right of any individual or agency lawfully to promote their services, such activity in NHS premises, with the implied support of the NHS that it indicates, can undermine the relationship between NHS staff and their patients and therefore should not be supported. This includes any form of promotion of legal services including posters and leaflets. The inclusion of adverts alongside medical advice to patients is particularly unwelcome and has generated frequent letters of complaint from patients and their MPs.

There have been recent references to the 2006 Compensation Act and suggestions that this serves to permit such practices on NHS premises. In fact, the Compensation Act sought to regulate and constrain previously uncontrolled practices. It therefore introduced new regulations to prohibit such activity except where specifically authorised by the facility's management.

I am therefore asking NHS Trusts to review their current practices in the light of this advice. PCTs may also want to consider guidance that they provide to primary medical services contractors in their area.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D Nicholson', written over a white background.

**Sir David Nicholson KCB CBE
NHS Chief Executive**