

# Checklist for Heads of Legal: How to prepare for the Patient Safety Incident Response Framework (PSIRF)

04 May 2023

The Patient Safety Incident Response Framework (PSIRF) will replace the Serious Incident Framework 2015 and will be mandatory for all services provided under the NHS Standard Contract. This includes NHS-funded secondary care provided by independent provider organisations under the NHS Standard Contract. Healthcare organisations providing services under the NHS Standard Contract are expected to transition to PSIRF by Autumn 2023.

For those involved in incident investigation, PSIRF represents an exciting new era and a marked change from the Serious Incident Framework 2015. A key change is that under PSIRF there is no distinction between incidents and 'serious incidents'. Instead, the new framework encompasses safety culture, quality improvement and supporting behavioural change across the NHS.

PSIRF will be intrinsic to guide your organisation to respond to patient safety risks in an effective, impactful, and meaningful way. Those working in patient safety and incident investigation have been busy preparing for the implementation of PSIRF for some time. However, PSIRF is not limited to those in patient safety and incident investigation roles. To be effective, PSIRF needs to be embraced across an organisation including involvement from Quality Improvement and Organisational Development teams.

Heads of legal and the wider legal team of organisations which are implementing PSIRF will also have an important role to play in supporting their organisations to prepare for the implementation of PSIRF. PSIRF is also likely to have an impact on the day-to-day work of legal teams in managing claims and inquests.

In collaboration with colleagues leading PSIRF within NHS England, we have produced a checklist to help support Heads of legal and their teams now, during the transition to PSIRF and also following the implementation of PSIRF.

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## Checklist

What can I do now to support the development of my organisation's Patient Safety Incident Response Policy and Plan?

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What if my organisation has already completed its PSIRP?

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Start conversations early with local coroners

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Think about record keeping, retention and disclosure (for inquests and claims) now

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How will your organisation evidence organisational learning following a patient safety incident at an inquest?

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How will you collate evidence on causation for Coroner's inquests?

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What impact will PSIRF have on obtaining factual witness evidence for an inquest or litigation?

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Supporting staff

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What impact will PSIRF have on duty of candour?

## How we can help

Our specialist team can provide advice and support to help with the transition to PSIRF. Areas we can help you with include:

- Deep dives of claims/inquests to assist with identifying your risk profile.
- Representation and support in relation to investigations involving patient safety incidents (inquests, regulatory investigations, police investigations).
- The documentation and storage of records produced in respect of responses other than PSII.
- Supporting you to support your staff through the inquest and litigation process.
- Training on other areas relevant to PSIRF including statement writing and duty of candour.

## Key contacts

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