



## Litigation Authority

Our Ref.: SW

Your Ref.:

17th August 2005

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London  
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Dear Colleague

### EQUAL PAY CLAIMS

As you may already be aware, the Litigation Authority has now been authorised to provide advice about, and assistance with, litigation or potential litigation concerning equal pay claims which involve NHS bodies in England. This power was conferred on us by Statutory Instrument 2005/1445.

We shall not be creating a formal scheme such as CNST or LTPS, and therefore funding of claims and associated legal costs (both claimant and defence) will remain the responsibility of trusts and other NHS defendants. However, we are currently creating a group of defence solicitors for this specialist work and are able to offer the Service our expertise at managing both large-scale legal actions and defence lawyers, so as to obtain optimum results for the NHS.

My understanding is that your organisation has not received any such claims. We shall be happy to assist you in managing any future cases, but I need formal confirmation from you, please, by no later than 7th September 2005 that you wish the Litigation Authority to help you. I stress that NHS bodies will remain responsible for funding, but NHSLA's expertise will, I am certain, have the effect of managing these claims more effectively than can be achieved at a local level.

We shall, of course, consult you over decisions affecting your financial interest but it will be a precondition of our assistance that we retain the right to the final decision on tactics, strategy and, where necessary, payment having regard to the overall interests of the NHS as well as those of the individual defendant.

It is relevant to note that the Department of Health has stated that, where agreed in advance, they will fund generic costs incurred on this issue for the greater good of the NHS and that **any** other request for financial support from the Service in this area will, as a minimum in the first instance, necessitate confirmation from the NHS bodies involved that they have utilised the services of the NHSLA, and if not the reason for that.

If you do not wish to seek our assistance, once again please let us know formally. I anticipate that the Department of Health, who have actively sought our involvement, will ask those

If you do not wish to seek our assistance, once again please let us know formally. I anticipate that the Department of Health, who have actively sought our involvement, will ask those bodies choosing this option for their reasons. Further, I would strongly urge any organisation unwilling to involve us not to take any steps, when managing their own claims, which might prejudice the overall NHS position, and to keep us posted about significant developments and judgments which may affect the national picture.

Should you wish to seek our assistance, please supply the following details:

- 1) HR/legal contact;
- 2) PR contact for press releases etc; and
- 3) Finance contact for data requests, cheques etc.

Please send all responses to John Mead, Technical Claims Director, at the above address, or via e-mail at [john.mead@nhsla.com](mailto:john.mead@nhsla.com).

Finally, you may wish to know that I have today also written to the Chief Executives of all Strategic Health Authorities in England, and you may therefore wish to consult your local contact, where applicable, before replying to this letter.

We look forward to hearing from you by 7th September.

Yours sincerely



Steve Walker  
**Chief Executive**