

FAQs

1. What is the Compensation Scheme?

It is a voluntary scheme designed to provide compensation to the families of the victims of David Fuller, following the crimes he committed in the Trust's mortuary. The Trust recognises that Fuller's actions have caused pain and suffering and in some cases, may have caused psychiatric injury to close family members, and wishes to pay compensation to those close family members. The scheme is intended to provide a way in which fair compensation can be paid with little or no delay.

The scheme was drafted between the legal representatives for the Trust and legal representatives for some of the family members. The Trust also sought input from unrepresented family members during the creation of the scheme. The scheme has been approved by the Department of Health and Social Care.

The eligibility criteria for individuals to claim under the scheme is detailed further below at question 3.

2. Who is funding the scheme?

The Scheme is funded by NHS Resolution, who indemnify Maidstone and Tunbridge Wells NHS Trust.

3. Who is eligible to claim under the scheme?

To qualify for compensation under the scheme, you must be able to show a close family relationship with a victim. The scheme sets out the process for doing this.

4. How do you make a claim under the scheme?

To claim under the scheme, a completed questionnaire must be submitted to Capsticks Solicitors LLP (who are the legal representatives of the Trust and NHS Resolution) by email, along with supporting documentation to protocolclaims@capsticks.com

Further details are contained in the scheme itself and for additional information about how to claim please contact the Trust by e mail at: mtw-tr.compensationscheme@nhs.net or phone: 01892638973

5. Is there a time limit within which I must make a claim?

Yes, the scheme has recently been re-opened and you must claim under the scheme by 30 April 2024.

6. How long will it take to receive compensation under the scheme, and what amounts are payable?

Within 28 days of receipt of the completed questionnaire and supporting documents, Capsticks Solicitors will confirm in writing whether a) the claim under the scheme is accepted, or b) whether there is any objection to the claim. If the latter, you will be able to submit further evidence in support of the claim.

If the claim is accepted under the scheme, then within 28 days of receiving notification that the claim is accepted, the sum of £7,500 will be paid.

The claim will then come to an end, or, if you believe you have suffered from a recognised psychiatric injury as a result of Fuller's crimes, you will be invited to undergo assessment by a psychiatric expert, in order to determine if further compensation is payable.

7. How has the amount of compensation to be paid been decided?

The level of compensation to be payable under the scheme was carefully assessed with reference to legal authorities. For example, by considering what might be payable in a claim under the Human Rights Act 1998. The Trust of course understands that no amount of compensation can change what happened to the victims or what their family members have been through.

If you have any concerns about the level of compensation payable under the scheme, you are encouraged to discuss them with independent legal advisors. Whether or not to make a claim under the scheme is entirely a decision for family members.

8. Do I need to instruct solicitors to claim under the scheme?

No. While there are a number of solicitors who have already been instructed by family members, you do not have to instruct solicitors to be able to claim under the scheme.

Details of the solicitors already instructed by other family members can be provided on request. If solicitors are instructed by family members, the scheme provides for payment of their legal costs.

9. Who can I contact to discuss any other questions?

If you would like to submit a claim under the scheme, please contact protocolclaims@capsticks.com

If you have other questions relating to the scheme or would like to speak to the Trust directly, please contact mtw-tr.compensationscheme@nhs.net or phone 01892 638973

10. Can I access support from the Trust without bringing a claim under the scheme?

Yes. A full range of support is available for any family members who need it through an independent organisation. Please contact 01892 638973 for further details.