

House of Commons

Written Answers

27 March 2019

NHS: Negligence

Jim Shannon:

234131

To ask the Secretary of State for Health and Social Care, what estimate his Department has made of the potential cost of clinical negligence claims to NHS Resolution over the next three years.

Caroline Dinenage:

NHS Resolution handles clinical negligence claims on behalf of National Health Service organisations and independent sector providers of NHS care in England.

NHS Resolution have provided the following information which covers spend specifically attributed to clinical negligence, principally pay-outs pertaining to claims received under the Clinical Negligence Scheme for Trusts. The figures also include clinical negligence pay-outs relating to Department-funded indemnity schemes in respect of legacy bodies such as primary care trusts and regional health authorities.

Costs in the context of HM Treasury-defined budgeting arrangements are defined as the amount expected to be paid in relation to settling claims in that financial year, including damages payments, claimant legal costs, and defence legal costs, and are shown in the following table.

The costs reported do not include NHS Resolution administration or costs incurred locally by NHS providers in dealing with claims such as their own administration costs.

	Clinical Negligence Scheme for Trusts (£ million)	Department of Health Scheme for Clinical Liabilities (£ million)	Existing Liabilities Scheme (£ million)	Regional Health Authorities Scheme (£ million)	Total (£ million)
2019/20	2,300	96	36	1	2,433
2020/21	2,410	90	35	1	2,536
2021/22	2,710	85	34	1	2,830

Notes:

The costs have been estimated on the basis of a personal injury discount rate (PIDR) of minus 0.75%. However, The Civil Liability Act 2018 includes a new way of setting the PIDR rate. A review of the PIDR rate has been announced and therefore the figures provided here may change.

NHS Resolution reviews its five-year forecasts annually and any changes in the underpinning actuarial assumptions are likely to result in revised projections. The figures quoted should therefore be considered as broad estimates based on latest available information and subject to change in the future.

The figures provided in this reply do not include claims brought against general practitioners.

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Jim Shannon:

234132

To ask the Secretary of State for Health and Social Care, what discussions his Department has had with the Ministry of Justice and Civil Justice Council on reforming the tort of negligence in medical malpractice to address the rising cost of clinical negligence claims on NHS Resolution.

Caroline Dinenage:

In 2017 the National Audit Office (NAO) published a report which challenged the Government to publish a co-ordinated strategy to reduce clinical negligence costs.

The Department of Health and Social Care is working jointly with the Ministry of Justice, the Treasury, Cabinet Office, NHS Resolution and others, to respond to the challenge from the NAO in their 'Managing the Costs of Clinical Negligence in Trusts' report to publish a co-ordinated strategy to reduce clinical negligence costs. We are looking at all the drivers of costs, as challenged by the NAO, and a wide range of options are being considered. We will update the House when we are in a position to do so.

The Civil Justice Council (CJC) is expected to report shortly on proposals to extend fixed recoverable costs (FRC) in clinical negligence cases up to £25,000 damages. The Government will consult before implementing any extension of FRC following the CJC report.