

House of Commons

Written answers

11 February 2020

NHS: Negligence

Alex Sobel: [11675] To ask the Secretary of State for Health and Social Care, what estimate he has made of NHS clinical negligence liability over the last 10 years.

Ms Nadine Dorries:

NHS Resolution manages clinical negligence and other claims against the National Health Service in England. NHS Resolution has supplied the following information.

Financial Year	Clinical Schemes total provisions (£000s)
2009/10	14,899,455
2010/11	16,639,494
2011/12	18,619,999
2012/13	22,690,517
2013/14	25,655,208
2014/15	28,277,786
2015/16	56,082,162
2016/17	64,676,682
2017/18	76,702,791
2018/19	83,070,576

Notes:

- The values included above include all four clinical schemes managed by NHS Resolution – Clinical Negligence Scheme for Trusts, Existing Liabilities Scheme, Ex-Regional Health Authority and Department for Health and Social Care clinical.
- The ‘clinical negligence liability’ is known as the provision in accounting terms. The provision represents the estimated value of all known claims, together with an actuarial estimate of those incurred but not yet reported, which are claims which may be brought in the future but have not yet (and may not) be brought and which may settle or be withdrawn over future years.

The year-on-year rises in clinical negligence costs are eating into resources available for front-line care; this is unsustainable. This is despite our substantial safety programmes. The Department is working intensively with the Ministry of Justice, other Government departments and NHS Resolution, all of whom are committed to addressing this issue.

This is a complicated issue and the work is ongoing. We will bring forward a publication in due course.

Alex Sobel: [11676] To ask the Secretary of State for Health and Social Care, what steps NHS Resolve has taken since 2017 to tackle the increase in clinical negligence liability.

Ms Nadine Dorries:

The rising costs of clinical negligence are a major concern and something we are committed to tackling, given that National Health Service funds spent on clinical negligence are resources not available for front-line care.

NHS Resolution manages clinical negligence and other claims against the NHS in England. NHS Resolution launched a new five-year strategy in 2017 aimed at delivering fair resolution and learning from harm to improve safety, following which it has:

- Launched an Early Notification scheme for the most serious obstetric incidents to get closer to the point of incident so that they can get support to families when they need it and share learning more rapidly;
- Introduced the Maternity Incentive Scheme which encourages improvement in maternity and neonatal services by incentivising a bundle of safety actions informed by research and agreed with system partners;
- Increased the use of mediation and other forms of alternative dispute resolution to resolve claims without the need for expensive litigation; and
- Refined their approach to learning from claims to drive safety improvement.