

## House of Lords

### Written answers

17 December 2020

#### NHS: Negligence

Asked by **Lord Hunt of Kings Heath**

To ask Her Majesty's Government what plans they have to introduce (1) fixed, and (2) capped, costs for defendant lawyers in clinical negligence cases up to £25,000 to deter any so-called 'delay, deny, defend' conduct. [HL11131]

**Lord Bethell:** NHS Resolution negotiates large-scale contracts for defendant legal services, using its position as a bulk purchaser to obtain the best expertise, including support for NHS Resolution's work to learn from claims to improve safety, at value for money for the National Health Service. The contracts include fixed and capped fee arrangements and competitive hourly rates. In response to increases in claimant legal costs and their tendency in low-value claims to be disproportionately high relative to damages awarded, we will consult shortly on a new claims-handling process and fixed costs for clinical negligence claims of up to £25,000 drawing on the Civil Justice Council's recommendations published in October 2019.

Asked by **Lord Storey**

To ask Her Majesty's Government what plans they have to introduce conditional fee arrangements for defence lawyers in clinical negligence cases; and what assessment they have made of the impact such action would have in terms of (1) cost savings, and (2) parity between parties. [HL11245]

**Lord Bethell:** NHS Resolution has no plans to introduce conditional fee arrangements for defence lawyers in clinical negligence cases. NHS Resolution negotiates large-scale contracts for defendant legal services, using its position as a bulk purchaser to obtain the best expertise, including support for NHS Resolution's work to learn from claims to improve safety, at value for money for the National Health Service. The contracts include fixed and capped fee arrangements and competitive hourly rates. NHS Resolution monitors and measures its lawyers' performance through Key Performance Indicators and management information.