



Clinical negligence: NHS paid out £2.4bn last year

Gareth Iacobucci

The BMJ

Medical defence experts have urged the UK government to hasten reform of the legal process for resolving clinical negligence claims after the latest figures showed that the cost to the NHS in England rose again last year.

Figures published in the annual report of NHS Resolution (formerly the NHS Litigation Authority) show that the NHS paid out £2.4bn (€2.7bn; \$3bn) on clinical negligence in 2018-19,¹ up by £137m from the previous year. The number of claims has remained relatively stable, and the increase is largely due to high value claims.

The UK National Audit Office and the House of Commons Public Accounts Committee both called on the government to publish a joint strategy for tackling clinical negligence costs by September 2018. But although departmental officials have acknowledged that the current rise in costs was “unsustainable,”² the detail is yet to emerge.

Melanie Rowles, director of claims delivery at the Medical Protection Society, noted that the annual cost to the NHS of clinical negligence had risen by more than 200% over the past 10 years and urged the government to publish the strategy as soon as possible.

She said, “It is right that there is reasonable compensation for patients harmed following clinical negligence, but a balance must be struck against society’s ability to pay. The rising cost of clinical negligence means money is being diverted away from frontline care at a time when the NHS is facing increasing financial pressure. The amount paid out on clinical negligence claims last year would equate to the cost of training over 10 000 new doctors.

“Legal reform is required to strike a balance between compensation that is reasonable but also affordable. Bold reforms are needed that will make legal fees more proportionate, reduce the costs associated with expert reports, and also make the system more predictable, fair, and transparent.”

- 1 Resolution NHS. Annual report and accounts 2018-19. <https://resolution.nhs.uk/wp-content/uploads/2019/07/NHS-Resolution-Annual-Report-2018-19.pdf>.
- 2 Dyer C. Government considers legal reforms to resolve high cost of clinical negligence claims. *BMJ* 2019;364:l1362. 10.1136/bmj.l1362 30910905

Published by the BMJ Publishing Group Limited. For permission to use (where not already granted under a licence) please go to <http://group.bmj.com/group/rights-licensing/permissions>