

PRESS RELEASE

FOR IMMEDIATE RELEASE

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43% of the public believe £1 MILLION or less was paid out by NHS for clinical negligence last year – actual amount over £1.1 BILLION

A YouGov online survey commissioned by MPS of 2,000 British adults reveals the mismatch between public perceptions of how much the NHS pays out for clinical negligence claims, and the reality. Last year the NHS Litigation Authority (NHSLA) paid out £1.1bn to claimants for clinical negligence – which includes damages and legal costs – but 43% of the public thought it was closer to £1m, 46% thought it was £1m – £50m and only 6% thought it was £100m – £2bn.¹

When told about the reality of the cost to the NHS, 82% of respondents stated they were concerned at the increase in the cost of clinical negligence from £863million in 2011/12 to £1.1billion in 2014/15. The NHSLA manages claims arising in the NHS hospital sector. MPS, which manages claims for clinical negligence brought against GPs, dentists and private doctors, believes urgent action needs to be taken to drive down the cost of negligence and make it more affordable for society.

Emma Hallinan, Director of Claims Policy and Technical at MPS said:

“This is a strong indicator of the lack of public awareness around the cost of clinical negligence to the NHS. The NHS is now seeing damages reaching well over £10 million in some cases. It is crucial that we ask ourselves whether it is appropriate and affordable to continue to pay such high costs in damages. We recognise that this is a difficult message but difficult decisions about spending in the NHS are made every day, and the cost of claims should not be considered as separate to this.

“The NHS LA received around 11,500 new clinical negligence claims last year, an increase of 73% from just five years ago. Furthermore, at last count the NHS’s ever-expanding liabilities reached £28.3bn.”

Professional standards

“We do not believe that this deterioration in the claims environment is as a result of deterioration in professional standards, but is likely due to the increasing complexity of care, enhanced patient expectations and the challenging and expensive legal environment. Last year the NHS successfully defended claims initially estimated at £1.2bn, highlighting the scale of unmeritorious claims that are brought against the NHS”

“When we told the respondents about the 27% increase in the cost of negligence in just three years, eight in ten said they were very or fairly concerned. We worry that diverting vital funds from frontline services to meet the increasing costs of clinical negligence claims may have an impact on patient care in the long term.”

MPS is calling on the government to prioritise reform of the legal system to drive down the cost of clinical negligence. MPS believes introducing fixed costs for small value claims and a limit on damages for future costs of care and earnings will help make clinical negligence more affordable.

ENDS

For further information, please contact Kim Watson, Media Relations Manager at MPS on 0207 399 1428 or kim.watson@medicalprotection.org

Notes to Editor

¹ All figures, unless otherwise stated, are from YouGov Plc. Total sample size was 2069 British adults. Fieldwork was undertaken between 15 – 18 January 2016. The survey was carried out online. The figures have been weighted and are representative of all GB adults (aged 18+). To view the figures [click here](#).

² NHS Litigation Authority Annual Accounts 2014/15:

<http://www.nhs.uk/aboutus/Documents/NHS%20LA%20Annual%20Report%20and%20Accounts%202014-15.pdf>

About MPS

The Medical Protection Society Limited (“MPS”) is the world’s leading protection organisation for doctors, dentists and healthcare professionals. We protect and support the professional interests of more than 300,000 members around the world. Membership provides access to expert advice and support together with the right to request indemnity for complaints or claims arising from professional practice.

Our in-house experts assist with the wide range of legal and ethical problems that arise from professional practice. This can include clinical negligence claims, complaints, medical and dental council inquiries, legal and ethical dilemmas, disciplinary procedures, inquests and fatal accident inquiries.

Our philosophy is to support safe practice in medicine and dentistry by helping to avert problems in the first place. We do this by promoting risk management through our workshops, E-learning, clinical risk assessments, publications, conferences, lectures and presentations.

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