

FOR IMMEDIATE RELEASE

Legal costs dwarfing compensation – MPS calls for action to address cost of clinical negligence

The Medical Protection Society (MPS) is calling on the next 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 reform of the rules relating to claimants' expert reports will help make clinical negligence more affordable.

In MPS's experience, it is not unusual for claimants' lawyers to receive more in legal costs than the patient does in compensation.

- In a recent cosmetic surgery case, damages of £17,500 were agreed within five months of being notified of the claim; however legal costs were claimed in excess of £50,000. The costs were finally settled at £36,000. This is still over double the amount the patient received in compensation.
- In a second case relating to delayed diagnosis of skin cancer, damages of £30,000 were agreed within five months and legal costs were claimed to the sum of £60,000. These costs were eventually settled at £42,000.

Dr Rob Hendry, Medical Director at the Medical Protection Society said:

"It is not unusual for us to see legal costs far exceed patient compensation in small value claims – this is simply not right. We want to see fixed costs for small value claims to ensure that legal costs do not dwarf compensation payments, and the money spent on patient care instead.

"The NHS is already facing ever-expanding liabilities, which at last count reached £25.7bn.¹ This is a significant amount of money for the public purse. Reform of legal costs is one way to cut unnecessary costs in the NHS."

Speaking about claimant expert reports, Dr Hendry continued:

"It is disappointing that Legal Aid, Sentencing and Punishment of Offenders Act reforms continue to allow the costs of expert witnesses in clinical negligence claims to be covered by after the event insurance, without any limits. The premiums for this insurance are payable by the defendant if the claimant is successful. A limit on the number of reports to one breach expert and one causation expert, a cap on the amount that can be spent on experts, and greater transparency over how premiums are calculated would help to bring down costs.

"Our analysis of claims shows that GPs are more likely to be sued now than ever before and a full-time UK GP is expected to be twice as likely to receive a claim from their work this year as they were just seven years ago.² It is important that when an avoidable incident occurs, the patient receives compensation, but we need to ensure the system is more affordable."

For further information or to arrange an interview please contact Shannon Darling, Press Officer at MPS on +44 (0) 207 399 1319 or shannon.darling@medicalprotection.org

Notes to editors

About MPS

MPS is the world's leading protection organisation for doctors, dentists and healthcare professionals. We protect and support the professional interests of more than 290,000 members around the world. Our benefits include access to indemnity, expert advice and peace of mind. Highly qualified advisers are on hand to talk through a question or concern at any time.

Our in-house experts assist with the wide range of legal and ethical problems that arise from professional practice. This includes 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.

MPS is not an insurance company. All the benefits of membership of MPS are discretionary as set out in the Memorandum and Articles of Association.