

# PRESS RELEASE

## FOR IMMEDIATE RELEASE

17 July 2015

### **NHS liabilities of £28.3bn are unaffordable, reform needed says MPS**

In response to the NHS LA's estimates that £28.3bn will be needed to cover known and future claims for clinical negligence for past patient care – up by 10% on last year – the Medical Protection Society (MPS) urges the government to prioritise reform of the legal system.<sup>1</sup>

MPS, who manage claims for clinical negligence brought against GPs, dentists and private doctors, believe action needs to be taken to drive down the cost of negligence and make it more affordable for society. As part of a package of recommendations, MPS called for fixed costs for small value clinical negligence claims, which the government recently announced it is to introduce, but MPS insists this is only the first step.

#### **In response to the NHS Litigation Authority Report and accounts 2014/2015, Emma Hallinan, Director of Claims and Litigation at MPS said:**

“The NHS LA received around 11,500 new clinical negligence claims in the financial year 2014/2015, an increase of 73% from just five years ago. This is worrying, but not surprising, as we saw more UK primary care claims reported to us in 2014 than ever before.

“We are pleased that the government listened to us on our recommendation to cap excessive legal fees for small value claims, but it's crucial to give the proposal real teeth to ensure it has the desired effect. It is not unusual for us to see legal costs far exceed what the patient receives in compensation in small value claims – this is simply not right.

“The next step is to have a debate on the merits of a limit on special damages. In our experience, special damages claims such as future care costs and future earning capacity have increased in recent years.

“While it is crucial that patients receive fair compensation, the NHS is now seeing damages reaching well over £10 million. As difficult decisions are made about what the NHS can afford, it is crucial that we ask ourselves whether it is appropriate and affordable to continue to pay such high costs in damages. MPS believes that these costs could be better spent on patient care for all.”

#### **As part of its priorities for the government, MPS made four recommendations to tackle the rising cost of clinical negligence:**

- A debate on the merits of a limit on special damages
- Fixed costs for small value clinical negligence claims
- An ultimate limitation period on bringing claims
- Reform rules relating to claimant expert reports covered by 'after the event' insurance

ENDS

For further information or to arrange an interview please contact...

---

Notes to Editor

1. <http://www.nhs.uk/aboutus/Documents/NHS%20LA%20Annual%20Report%20and%20Accounts%202014-15.pdf>
2. MPS manages claims for clinical negligence brought against GPs, dentists and private doctors, whilst the NHSLA manages claims arising from the NHS sector.
3. Medical Protection's 'Priorities for the new government'  
<http://www.medicalprotection.org/uk/about-mps/our-policy-work/priorities-for-the-new-government>