

House of Lords

Written answers

19 March 2021

NHS: Negligence

Asked by **Lord Storey**

To ask Her Majesty's Government, further to the Written Answer by Lord Bethell on 6 August 2020 (HL7091), in how many of the 2,712 litigated clinical claims in 2019/20 for which damages were paid was (1) liability, or (2) causation, at issue. [HL14012]

Lord Bethell: The information NHS Resolution holds on individual clinical negligence claims does not identify or distinguish between liability and causation. Reasons for litigation are varied and include some cases where only liability is in issue, cases where only quantum, or the level of damages, is in issue and a cohort of cases where both are in issue.

In some cases, litigation is needed to reach resolution but neither liability or quantum are in dispute. Most notably, court approval is required for settlements where the injured individual lacks capacity or is a minor. Litigation may also be needed to reach a determination on a point of law or to pursue a contribution towards compensation from another party.

Asked by **Lord Turnbull**

To ask Her Majesty's Government what assessment they have made of the changing costs of medical litigation; and what steps they are taking to address such costs. [HL14117]

Lord Bethell: In 2017 the National Audit confirmed that developments in the legal market are amongst the biggest factors influencing costs, rather than any detectable decline in patient safety. The Department is working with the Ministry of Justice, other Government departments and NHS Resolution, to address this issue. The Government will publish a consultation on the next steps in 2021.