



MDU



The Prime Minister  
10 Downing Street  
London  
SW1A 2AA

23 February 2021

Dear Prime Minister,

**The rising cost of medical negligence**

During these difficult times we have all applauded the courage and devotion of our healthcare professionals.

This outpouring of affection and gratitude has shown how central the NHS is to who we are as a nation.

Every day NHS staff continue to grapple with Covid-19 and its devastating impact. Today we are by no means through these challenging times and throughout the UK, the NHS faces a monumental task. Not only has a huge backlog of cases built up, but the service also faces more demand for physical and mental health care as a result of the economic and social damage wreaked by the virus.

We all agree that a properly funded NHS is essential.

At the same time, when public finances are incredibly stretched, it has never been more important to make sure every penny possible goes towards the care and treatment of patients. That is why the Government must act now to address the rising cost of clinical negligence.

This unreformed system is out of control. A recent Treasury report showed the provision for clinical negligence claims is now worth £3,600 for every household in England, compared to £700 per household 10 years ago. The NHS in England is now facing outstanding claims of over £84 billion. This is not because care is somehow less safe – quite the contrary – it is because we have a medical negligence system that is unfair and unsustainable and results in millions of pounds leaving the NHS – money that could otherwise be spent on more and better services for patients.

The Government has admitted that the costs are rising at an unsustainable rate, yet it is more than three years since the National Audit Office concluded that the financial costs of clinical negligence claims for the NHS are enormous and that fundamental reform is needed. Its report asked the Government to publish a cross-departmental strategy - with proposals for legal reform - to bring costs under control.

We recognise that Government attention is rightly focussed on combating the virus but as we prepare for life post pandemic, the time has come to act, to protect the NHS and create a system that is both fair and affordable.

The Government must ensure that this issue does not get side-lined once again, and instead come forward with detailed proposals for legal reform and a timetable for implementation. It is welcome news that the Department for Health & Social Care is working on this issue and that there is a commitment to reform. We want to see this move at pace, and eagerly await the publication of the Department's proposals. The financial consequences of inaction grow by the week.

Now is the time to act.

We look forward to your response.

Yours,



Dr Christine Tomkins  
**Chief Executive, The Medical Defence Union (MDU)**



Professor Helen Stokes Lampard  
**Chair, Academy of Medical Royal Colleges**



Dr Claudia Paoloni  
**President, Hospital Consultants and Specialists Association (HCSA)**

*Cc. The Rt. Hon Matt Hancock MP, Secretary of State for Health and Social Care*