

House of Commons

10 May 2016, Tuesday

Daily Report written answers, page 43

NHS: Negligence

Helen Jones: [36493] To ask the Secretary of State for Health, what estimate he has made of the costs to the NHS Litigation Authority of late release of medical records where those records reveal a case to be unfounded; and if he will make a statement.

Helen Jones: [36494] To ask the Secretary of State for Health, what percentage of clinical negligence cases dealt with by the NHS Litigation Authority are discovered to be unfounded upon the release of medical records.

Helen Jones: [36518] To ask the Secretary of State for Health, what steps he is taking to ensure that (a) hospitals and (b) GPs release medical records required in clinical negligence cases within appropriate time limits.

Ben Gummer: The timetable for the release of medical records in clinical negligence cases is determined by the Pre Action Protocol for clinical negligence claims. This prescribes 40 days for the release of the records, or the ability to request an extension to that time.

The NHS Litigation Authority (NHSLA) works with National Health Service trusts to ensure prompt release of medical records and other information which will inform the outcome of a claim for compensation. Often expert evidence will be required to give conclusive evidence as to whether there was negligence and if so, whether that caused injury to the claimant. As claims are often resolved in-house by the NHSLA, any costs which arise as a result of delays in receiving medical records are not recorded separately as they will fall within overall administration costs.

46% of claims were resolved without payment of damages in 2014/15; however, as above, it is often necessary to obtain expert medical advice to determine whether compensation is due.