

House of Commons

Written answers

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NHS: Negligence

Andy Slaughter: [20718] To ask the Secretary of State for Health, what assessment he has made of the potential merits of delaying the introduction of a fixed recoverable costs regime for medical negligence cases until the planned reductions in costs resulting from the Legal Aid, Sentencing and Punishment of Offenders Act 2012 have been made.

Ben Gummer: The intention is to introduce fixed recoverable costs (FRC) for clinical negligence claims from 1 October 2016, following the outcome of the public consultation. The Department is aware that there are pre-Legal Aid, Sentencing and Punishment of Offenders Act 2012 cases in the system and will be for a number of years. However, FRC for clinical negligence is not a new concept and had been proposed by Lord Woolf and Lord Justice Jackson in 1996 and 2009 respectively in order to better manage clinical negligence claims through the legal process.

Sir Edward Garnier: [20803] To ask the Secretary of State for Health, whether it is his policy that costs in fatal cases involving a claim for less than £25,000, including the costs of representation at inquest, will fall outside of the proposed fixed recoverable costs in clinical negligence schemes.

Ben Gummer: The Department is currently preparing to go out to public consultation on the introduction of fixed recoverable costs (FRC) for clinical negligence claims as originally proposed by Lord Woolf and Lord Justice Jackson in 1996 and 2009 respectively. The consultation will include consideration on the maximum value of claims that will be covered by the FRC regime and whether there should be any exemptions. We will review all responses before making a final decision on these issues.