

House of Commons: Westminster Hall

9 March 2016

Column 142WH

Clinical Negligence Claims

Sir Edward Garnier (Harborough) (Con): "... the NHSLA too often engages in unproductive trench warfare: it must not be seen to be giving ground, so the order goes out: "Deny, defend, delay!"

Cases that could have been resolved months and sometimes years earlier end up being settled at the door of the court, or lost after a trial, by which time advocates' brief fees have to be added to all the other costs that have piled up unnecessarily since the complaint was first raised. If ever there was a need for a patient to heal himself, it is the NHSLA in its refusal to free itself from the indefensible, or to see the wood for the trees. Rather than too often denying, defending and delaying in the wrong cases, it should assess, admit and apologise in the right cases..." (Columns 144WH and 145WH)

The Parliamentary Under-Secretary of State for Health (Ben Gummer): "...I accept in its entirety my right hon. and learned Friend's interpretation of the NHSLA's performance in past years. I do so on the basis that many claimants have been immensely frustrated—as have the clinicians involved—by the length of time that trusts and the LA have had to respond to claims, the length of time it often takes to reach a resolution and the fact that there is often too much defence, delay and prevarication. At the same time, I have full confidence in the NHSLA's current management, because I have seen a real determination to get to grips with the problems it inherited and change the authority into something far more fit for purpose..." (Column 147WH)