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THE TIMES



Compensation culture and litigation in NHS

Sir, Medical negligence litigation depends more on its economic drivers than on clinical practice or patient expectations (“Many NHS victims should settle for an apology”, Clare Foges, Feb 5). Most claims are funded by no-win, no-fee arrangements. Many cases need to be investigated to find a sustainable one, and there is payment only on winning. Litigation provides independent, robust, expert scrutiny of medical care according to professional norms. It is free for any claimant at the point of need.

The NHS pays compensation in more than 80 per cent of claims where legal action is commenced — claims that could have been settled before legal action. NHS lawyers are paid on every claim, win or lose (up to £200 per hour). This incentivises “delay, deny, defend” behaviour, and rewards failure. Payment for NHS lawyers should be result based; it would save delay and costs.

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