

## **House of Lords**

### **Written Answers**

**20 December 2017**

#### **NHS: Negligence**

**Asked by Lord Sharkey**

To ask Her Majesty's Government, in each of the last five years, what was (1) the total provision made by NHS Resolution, and its predecessor bodies, against claims for clinical negligence, and (2) the total amount paid out in the settlement of claims for clinical negligence, broken down by legal costs and awards to claimants. [HL4106]

Lord O'Shaughnessy: NHS Resolution has provided the following information. The total provision made by NHS Resolution and its predecessor bodies against claims for clinical negligence and the total amount paid out in the settlement of claims for clinical negligence, broken down by legal costs and awards to claimants is shown in the attached tables due to the size of the data. The Answer includes the following attached material: Clinical negligence settlement claims tables [HL4106 tables formatted.docx] The material can be viewed online at: <http://www.parliament.uk/business/publications/written-questionsanswers-statements/written-question/Lords/2017-12-12/HL4106>

The total provision made by NHS Resolution and its predecessor bodies against claims for clinical negligence is shown in the following table.

**NHS Resolution Analysis of Provisions 2012/13 - 2016/17**

	Clinical Negligence Scheme for Trusts <sup>1</sup>	Existing Liabilities Scheme <sup>2</sup>	Ex-Regional Health Authority <sup>3</sup>	Department of Health Clinical <sup>4</sup>	Total Clinical
	£'000	£'000	£'000	£'000	£'000
2016/17	59,783,571	1,297,093	80,421	3,515,597	64,676,682
2015/16	50,751,404	1,478,485	89,617	3,762,656	56,082,162
2014/15	25,593,860	649,779	37,692	1,996,455	28,277,786
2013/14	23,143,661	614,739	36,219	1,860,589	25,655,208
2012/13	20,386,481	2,266,187	37,849	0	22,690,517

Note: NHS Resolution has advised that the Department of Health Clinical Scheme started on 1 April 2013.

The total amount paid out in the settlement of claims for clinical negligence, broken down by legal costs and awards to claimants is shown in the following table.

**NHS Resolution Analysis of Expenditure 2012/13 - 2016/17**

	Clinical Negligence Scheme for Trusts	Existing Liabilities Scheme	Ex-Regional Health Authority	Department of Health Clinical	Total Clinical
	£'000	£'000	£'000	£'000	£'000
2016/17					
Damages	974,199	25,359	1,118	82,313	1,082,990
Claimant	479,727	3,828	0	14,910	498,465
Defence	122,017	648	46	3,002	125,712
Total	1,575,943	29,835	1,164	100,225	1,707,167

2015/16					
Damages	862,841	21,603	1,094	64,857	950,396
Claimant	399,902	3,887	(7)	14,133	417,915
Defence	115,519	1,085	28	3,513	120,144
Total	1,378,262	26,575	1,115	82,503	1,488,455
2014/15					
Damages	671,564	22,497	987	79,396	774,444
Claimant	274,539	2,996	49	14,326	291,910
Defence	98,251	1,145	12	3,825	103,233
Total	1,044,354	26,638	1,048	97,547	1,169,587
2013/14					
Damages	729,237	20,606	3,146	87,764	840,752
Claimant	236,938	8,140	228	13,947	259,253
Defence	84,997	2,966	46	4,525	92,533
Total	1,051,173	31,711	3,419	106,235	1,192,538
2012/13					
Damages	783,967	122,395	1,167	0	907,529
Claimant	261,262	13,562	37	0	274,861
Defence	72,425	4,045	19	0	76,489
Total	1,117,654	140,002	1,223	0	1,258,879

The increase of £27.8 billion in 2015/16 is mostly due to the change in the long term Public Expenditure System discount rate as set by HM Treasury. The total change in the discount rate is £25.473 million.

The negative £7,000 in respect of Regional Health Authority (RHA) claimant costs in 2015/16 is due to receiving a refund of claimant costs paid out in previous years.

Notes:

<sup>1</sup> Clinical Negligence Scheme for Trusts for incidents that occurred on or after 1 April 1995.

<sup>2</sup> Incidents that occurred on or before 31 March 1995.

<sup>3</sup> Claims brought against former RHAs whose clinical negligence liabilities passed to NHS Resolution with effect from 1 April 1996.

<sup>4</sup> Department of Health Clinical Schemes relate to claims against dissolved bodies where there is no successor body.