



# Resolution

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## Clinical negligence numbers steady, but rising costs remain a concern

Date published: 11th July 2019

Our [Annual report and accounts 2018/19](#) published today shows the number of clinical negligence claims has remained relatively steady, despite rising activity in the NHS. Overall, claims are falling as a proportion of the number of treatment episodes. However the report highlights the concern around rising costs and the need for concerted action on all the drivers of clinical negligence costs.

In the legal market, there is encouraging news with evidence of an increased engagement with ways to resolve concerns which keep patients and NHS staff out of court, accompanied by a welcome reduction in legal costs.

The number of cases going into formal litigation has remained stubbornly more or less the same for well over a decade. We have been on a mission to change that. We set ourselves a challenge to disrupt the traditional approach taken to clinical negligence claims, to encourage mediation and other forms of alternative dispute resolution (ADR) and to reduce the number of claims going into formal court proceedings.

There has been a noticeable culture shift in the clinical negligence market. We are now mediating more clinical negligence cases than ever before and these outnumber those going to trial by 6 to 1. There is more to do but the benefits of mediation and other forms of ADR are clear: reducing the stress and burden on patients, NHS staff and their families and giving them the time and space to explore what happened.

Our report highlights the benefits of [our strategy](#) to work more closely with system partners in health and justice using the platform of 100% NHS membership of the indemnity schemes and the lever of pricing to drive improvements in patient safety. Drawing attention to the real costs of harm of £9 billion a year versus the annual cash cost of £2.4 million, the report gives explicit backing to the national patient safety strategy recently published by NHS Improvement and the continued drive across the health system to improve maternity safety.

We must do everything we can to learn from what goes wrong and, where there is agreement as to what needs to change, to support that through the indemnity schemes we run. Our [maternity incentive scheme](#), which uses a bundle of ten actions, informed by our research and our partners makes the best use of the financial lever we have to drive investment in safer care, improve things for patients and NHS staff and ultimately reduce the costs of avoidable harm.

[This is a short briefing on understanding our provision for claims management.](#)

Our year in numbers:

- The provision for claims indemnified by us has increased by £6.4 billion to £83.4 billion as of 31 March 2019.
- We received 10,678 new clinical negligence claims, compared to 10,673 in 2017/18 an increase of just five claims (0.08%) – a flattening out in an environment of rising NHS activity.
- The number of new non-clinical claims, typically employers' and public liability claims, rose from 3,570 received in 2017/18 to 3,585 in 2018/19, a modest increase of 0.42%
- When considering settled claims in 2018/19 of 11,417 clinical and 4,237 non-clinical claims, the proportion settled without damages was 44% and 56%, respectively

- The number of mediations on clinical negligence claims has increased by 119% in a single year, up to 380 from 173 in 2017/18 – exceeding the number of clinical negligence trials (62) more than six-fold.
- The number of new referrals received by our Practitioner Performance Advice team in relation to the performance of doctors, dentists and pharmacists within the NHS remained broadly consistent, with 925 new requests for advice compared to 919 in the previous year.
- Our Primary Care Appeals team received 171 appeals in accordance with the Pharmacy Regulations compared to 170 in the last financial year.

The number of clinical negligence claims received in 2018/19 by specialty across all clinical negligence (breakdown of figure 8 data)

Specialty	% total claim	Number of claims
Emergency medicine	13	1,409
Orthopaedic surgery	12	1,262
Obstetrics	10	1,076
General surgery	9	927
Gynaecology	5	569
General medicine	5	498
Radiology	4	387
Urology	3	319
Psychiatry/mental health	3	312
Gastroenterology	2	259
Other	34	3,660
<b>Total</b>	<b>100</b>	<b>10,678</b>

Value of clinical negligence claims received in 2018/19 by specialty across all clinical negligence schemes (breakdown of figure 9 data)

Specialty	% Total claims	Total value (rounded up or down)
Obstetrics	50	£2.5 billion
Emergency medicine	9	£422 million
Paediatrics	7	£333 million
Orthopaedic surgery	4	£216 million
Neurology	3	£147 million
General surgery	3	£134 million
Neurosurgery	3	£133 million
Ambulance	2	£116 million
Radiology	2	£97 million
General medicine	2	£88 million
Other	15	£761 million
Total	100	£4.9 billion

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