**Spiralling cost of clinical negligence claims**

As a medical doctor and constituent I believe something needs to be done about the effect of the spiralling cost of clinical negligence claims on health and social care locally and throughout England. Compensation awards are rising in an unsustainable way that affects all taxpayers and patients. I hope you will agree to raise awareness of this in parliament.

Why this matters:

* Clinical negligence inflation is doubling every nine years: a claim that costs £9million now is likely to cost over £18million in nine years’ time.
* According to the government, the annual cost to the NHS of clinical negligence claims had more than quadrupled between 2006/2007 and 2022/2023 from £0.6billion to £2.6billion.
* English damages awards are higher than most countries in the world, including many states in the USA.

These high awards reflect the cost of providing private future care for the rest of an injured patient's life, or they compensate an injured patient who was a high earner and can no longer earn at the same level. Negligently-damaged patients must be compensated, but if compensation awards continue to rise at this dramatic rate this will affect the availability of and access to healthcare.

**The solution**

We need legal reform. One of the reasons compensation awards are so expensive is because a 1948 law states that personal injury defendants must disregard NHS care when paying compensation. Bodies like NHSR have to fund private care. A high proportion of the multi-million pound awards it pays, using billions of pounds of NHS money, is ear-marked to pay for private care for many years ahead.

The Medical Defence Union (MDU) is campaigning for legal reform, and seeking:

* Repeal of S2 (4) of the Law Reform (Personal Injuries) Act 1948
* Limits on how much high earners can claim for lost earnings
* An independent body to define an appropriate standard of NHS care that patients damaged by negligence must receive.

**The benefits to the NHS**

I support the campaign because these legal reforms would address the problem and potentially provide billions of pounds additional funding for NHS and local authority care. While still providing fair compensation to patients the changes would:

* stop billions of pounds leaving the NHS and allow it to be redirected to fund NHS and local authority care
* allow other bodies such as medical defence organisations, insurers and employers to compensate patients through NHS and local authority health and care packages, instead of paying private providers.

I hope you agree that the problem of spiralling compensation awards has to be addressed. If you need any more information about the MDU's campaign, their contact details are below.

I would be very interested to hear your thoughts about this letter and of any steps you are taking to raise awareness of the problem of spiralling clinical negligence claims costs.

**MDU contact**

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