

Vaughan Gething AC/AM
Ysgrifennydd y Cabinet dros Iechyd a Gwasanaethau
Cymdeithasol
Cabinet Secretary for Health and Social Services



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref MA/P/VG/0277/18

Mohammad Asghar AM
Assembly Member for South Wales East
Unit 1
Fairoak House
15-17 Church Road
Newport
NP19 7EJ

mohammad.asghar@assembly.wales

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Dear Mohammad,

I am writing further to your question to the Leader of the House in Plenary Business session on 16 January 2018.

Leader of the house, may I ask for a statement from the Cabinet Secretary for health on payments by Welsh NHS trusts in damages and legal fees for medical negligence? According to research, in the last five years, four of the seven local health boards paid out over £200 million. It's a striking figure here, Minister, and, basically, this could be used to eradicate child poverty, homelessness and food banks in Wales. Aneurin Bevan Local Health Board paid out the highest amount, of £67 million, over the period, although £2 million was for the historical mistakes relating to incidents before 1997. Can I ask for a statement from the Cabinet Secretary on what action he intends to take to address these huge sums for medical negligence in Wales, please?

The Leader of the House noted that reporting is provided annually on issues affecting clinical negligence claim costs. I am writing to provide you with further information on where current publications can be found.

The volume of clinical negligence claims in Wales has been reducing in recent years. It has reduced in Wales by 21% over the last three years, compared to a reduction in the same period of 10% in England.

However, the increasing costs of clinical negligence in recent years are largely attributable to economic and social factors beyond the direct control of the NHS. Some factors such as longer life expectancy for injured persons and innovations in potential treatments are of course positive - but increase the likely cost for any cases incurred. Other cost drivers such as legal system reforms, inflation in wages for those involved in caring for claimants and

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Gohebiaeth.Vaughan.Gething@llyw.cymru
Correspondence.Vaughan.Gething@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

technical changes to multipliers used to value claim costs relate to economic influences outside the remit of the NHS.

Audited information on liabilities for clinical negligence claims, and the costs and liabilities of the Welsh Risk Pool which reimburses clinical negligence claim costs to NHS Trusts and Local Health Boards in Wales, is contained in the NHS Summarised Accounts. These are published in July each year, the latest of which can be found on the link below:

<http://www.assembly.wales/laid%20documents/agr-ld11103/agr-ld11103-w.pdf>

Additionally, as a material item for the overall Welsh Government position, comment is provided in the Welsh Government Consolidated Annual Accounts.

<http://www.assembly.wales/laid%20documents/agr-ld11170/agr-ld11170-e.pdf>

The financial performance of Health and Social Services, and the Welsh Government is subject to scrutiny annually by committees of the Assembly further to the publication of these statutory accounts. Clinical Negligence costs are a regular feature of this scrutiny.

It is of course unarguable that the three specific problems facing Wales today that you referred to - child poverty, homelessness and food banks - have causes outside the NHS. The scale of child poverty, homelessness and food banks have been made significantly greater by 8 years of austerity imposed by the UK Government. Continuing austerity will cause greater misery for even more people in Wales. I hope that you will reconsider your personal support for UK policies that are directly responsible for worsening the three great social evils that you identify.

I trust this provides clarity following the query you have raised.

Yours sincerely,

A handwritten signature in black ink that reads "Vaughan Gething". The signature is written in a cursive, flowing style.

Vaughan Gething AC/AM

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Cabinet Secretary for Health and Social Services