



**22 July 2015**

**NHSLA annual report statement**

APIL president Jonathan Wheeler said:

“An injured person is on the back foot and takes on a big fight when he pursues the NHS for redress. The injured patient and his representatives have to prove that they have a case when the NHS holds all the cards and all the information about the circumstances in which he suffered harm. With the burden of proof on the injured claimant, claims will inevitably cost more to pursue than for the NHS Litigation Authority to defend.

Savings could be made if the NHSLA were to admit liability where it is obviously due, rather than defend until the door of the court and then settle at the last minute, having run up huge costs on both sides along the way. The NHS would help the NHSLA in its commitment to defend public funds if it was to steer its focus onto preventing harm in the first place and righting wrongs when they happen.

The NHS Litigation Authority is a ferocious defender and is clearly proud that 64 per cent of claims are successfully defended in court. But just because the NHS did not have to pay any compensation does not mean that the claimants did not have valid cases, or that they are deceitful for pursuing claims. A case for medical negligence can be very close between who succeeds, and the outcome could turn on the presence (or not) of the tiniest piece of evidence. The fact that a case got as far as going to court means that a judge was needed to make the decision. While the NHSLA should rightly protect the public purse, it is unfair to suggest that unsuccessful claims were ever ‘unmeritorious’.”