Public Accounts Committee

Samantha Jones OBE
Permanent Secretary
Department of Health and Social Care

By email

21 May 2026

Treasury Minute – Costs of clinical negligence

Dear Permanent Secretary,

Thank you for the Department's Treasury Minute response to the Committee's report on the costs of clinical negligence, published on 2 April 2026

While the Committee welcomes the Department's acknowledgement that the long-term growth in clinical negligence liabilities is unsustainable, we remain concerned that several aspects of the response do not yet provide sufficient assurance that the actions described will lead to a sustained slowdown in cost growth. The Committee's general impression is that the Government could do more to prevent claims.

In particular, the Committee would welcome further clarity on:

- Recommendation 2a-e: what will be different in practice for patient safety as a result of the governance, oversight and safety arrangements described in response to our recommendations, how the Department will assess whether these actions are having a measurable impact on patient safety, the growth of clinical negligence liabilities, and what alternative measures the NHS could use to track the cost of avoidable harm.
- Recommendation 4a-b: what specific actions the Department and the wider NHS will take to reduce the incidence of harm and the costs of claims in maternity care.

Given the scale and significance of clinical negligence liabilities, this remains an issue of keen interest to the Committee. We will therefore be keeping a close eye on progress and on the assurances set out in the further correspondence you have committed to provide later this year. We would also welcome further information on David Lock KC's review into the costs of clinical negligence claims, in particular, any preliminary findings and initial action based upon these.

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I would be grateful if you could write back by **Monday 22 June** setting out how the Department intends to address these points, including what you expect to be different in practice as a result of the actions you describe

Thank you also for the subsequent clarification provided to the Committee's Clerk on how the Department intends to meet the correspondence requirements associated with recommendations 2d and 1a. We understand now that the Department will write separately in summer 2026 on progress in implementing the Dash Review and the impact of abolishing the Health Services Safety Investigations Body, and in the autumn on its operational plan to tackle clinical negligence. We look forward to receiving that correspondence in due course.

I would, however, like to reiterate the Committee's expectation that, where a recommendation asks for specific follow-up action such as a letter, the Treasury Minute response should be clear on what further correspondence the Committee can expect and when, rather than require further exchanges between our staff to clarify the position.

I am copying this letter to the Comptroller and Auditor General and to the Treasury Officer of Accounts.

Yours Sincerely

Sir Geoffrey Clifton-Brown MP
Chair of the Committee of Public Accounts

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