

# Research: Litigation costly in many ways

September 11 2012

---

(Medical Xpress)—New research by Professor Frank Furedi of the University of Kent highlights the high social cost of today's 'culture of litigation' on health and education services.

The report, by Professor Furedi and Jennie Bristow of the University's School of Social Policy, Sociology and Social Research, is published today (10 September) by the Centre for Policy Studies.

In *The Social Cost of Litigation*, the authors show that far from increasing safety and accountability, the culture of litigation has resulted in significant costs to the quality of services, the experience of those who use them, and the role of professionals.

Professor Furedi said: 'Demanding recompense for accidents is now perceived, not only as a common-sense way of gaining [financial compensation](#), but as a way of holding public services to account.

'But taken together, the combination of an engrained compensation culture and litigation avoidance is bleeding the health and [education services](#) dry: both financially, and in terms of their public sector ethos and professional role.'

The research shows that as of March 2011, the NHS Litigation Authority estimated its potential liabilities at £16.8 billion, of which £16.6 billion related to clinical negligence claims.

However, of the 63,800 claims for [medical negligence](#) made since 2001,

only about 2,000 (3.2%) have had damages approved or set by the Court. A further 28,700 were settled out of court.

Professor Furedi said: 'The increasing fear of litigation is also extremely damaging to the [professionalism](#) of doctors, nurses and teachers: it erodes professional autonomy, stifles innovation, leads to defensive practices in both hospitals and schools and encourages greater [bureaucracy](#). 'Best practice' is now defined as having checked all the boxes in a quality assurance form rather than doing what is best of the patient or [pupil](#).

'If we want to put a brake on the culture of litigation and litigation avoidance in Britain, we need to look beyond ambulance-chasers and greedy lawyers to the cultural conditions that have allowed litigious sentiments to flourish as common sense. In particular, we need to challenge the expectation that professional 'best practice' in the public sector should be measured by the absence of complaints or litigation.'"The Social Cost of Litigation is available from the Centre for Policy Studies [www.cps.org.uk](http://www.cps.org.uk)

Provided by University of Kent

Citation: Research: Litigation costly in many ways (2012, September 11) retrieved 27 April 2024 from <https://medicalxpress.com/news/2012-09-litigation-costly-ways.html>

<p>This document is subject to copyright. Apart from any fair dealing for the purpose of private study or research, no part may be reproduced without the written permission. The content is provided for information purposes only.</p>
--