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Welcome to the latest edition of our ‘Clinical Thinking’. Among the articles in this update are a close look at NHS league tables and clinical negligence claims, including what the first published rankings could mean for the sector. There is also a report on a recent webinar hosted by Kings Chambers In conjunction with Temple on a contentious topic - the recoverability of expert fees in clinical negligence costs.

Enjoy reading our views; if you’d like to share yours, please get in touch with our team - contact details are on page 8.



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NHS league tables: what the first published rankings could mean for clinical negligence claims

By Matthew Best, Director - ATE Partnerships,
Head of Personal Injury & Clinical Negligence



This article reflects on the league tables' introduction, the early feedback following their release, and how these developments sit alongside Temple's support for constructive engagement with healthcare reform and access to justice.

The recent publication of NHS hospital league tables marks a significant shift in how trust performance is being presented and scrutinised. For claimant clinical negligence solicitors, this development does not directly alter how cases are pursued or funded, but it does form part of a wider shift in how hospital standards are being measured and made public.

1. The rankings so far

In September 2025, NHS England published its first full set of trust performance rankings, as part of the updated Oversight Framework. Every NHS trust in England has now been assessed and segmented, with the intention of this being updated quarterly.

The performance measures used span a range of indicators - including waiting times, financial management and patient outcomes - with trusts grouped into categories reflecting the level of support or intervention required. Those in the highest performing group may be given greater financial autonomy, while those at the lower end face enhanced oversight.

While the approach has been described as 'light-touch', the publication of this data has attracted widespread media attention. Trusts such as Moorfields Eye Hospital have been highlighted as top performers, while others have been named as needing significant improvement. The data is available publicly and intended to contribute to greater transparency and accountability across the NHS.

2. A measured response from across the sector

Early reactions to the league tables have been mixed. While some have welcomed the visibility and ambition for higher standards, others have cautioned against the unintended consequences of ranking institutions in this way.

In particular, concerns have been raised that the metrics chosen may overemphasise financial performance or short-term throughput, while failing to account for local complexity or long-standing resource challenges. There is also a risk that ranking systems may undermine morale among clinical staff and contribute to a culture of blame, rather than improvement.

3. Clinical negligence: possible indirect effects

For those involved in clinical negligence work, the league tables do not change the legal standards for bringing a claim, nor do they replace the need for detailed evidence of breach and causation.

However, they may signal areas where trusts are under performance pressures, or where systemic issues have already been identified. In some cases, claim volumes may reflect broader operational difficulties. In others, trust-level changes prompted by rankings may influence how cases are handled - whether through greater risk sensitivity, reputational concern or more centralised management of complaints and claims.

At Temple we continue to monitor how such developments may affect the context in which claims arise, and how its ATE insurance cover can respond to the practical realities faced by claimant solicitors and their clients.

4. Wider context and Temple's ongoing approach

Temple Legal Protection has consistently supported thoughtful discussion on healthcare reform and its impact on patient safety and access to justice. The publication of NHS league tables fits into a broader pattern of efforts to improve standards, manage resources and address failings within the system.

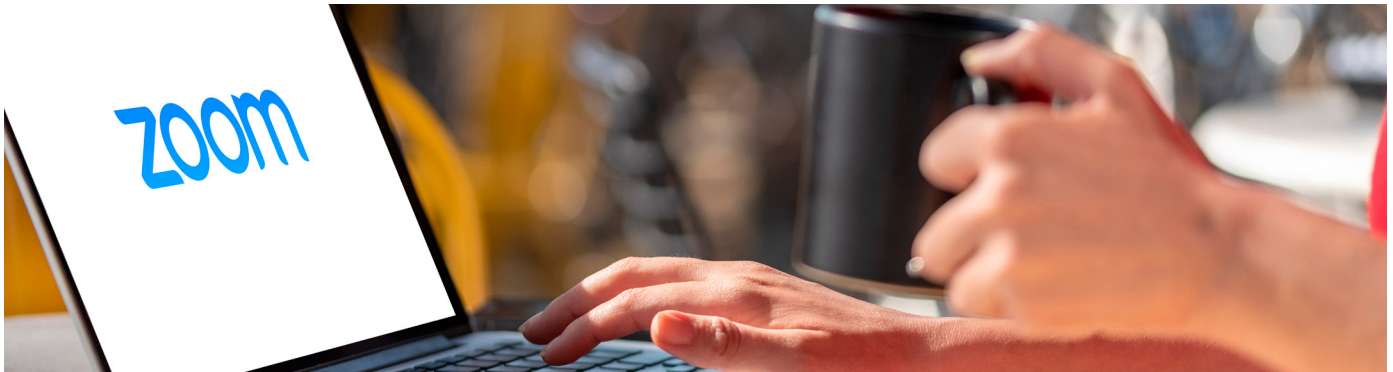
As an ATE provider, Temple remains committed to offering robust cover, but also to contributing to a fairer and more transparent environment for resolving clinical negligence claims. That includes recognising where systems are under strain, where patients may be at risk and where reforms may shift the dynamics of accountability.

5. Conclusion

The introduction of NHS trust rankings is unlikely to have any immediate impact on how individual claims are investigated or funded. However, claimant solicitors may benefit from being aware of how trusts are being assessed publicly and how that may reflect wider pressures within the healthcare system.

While Temple does not rely on league tables in its underwriting, such data can offer a broader understanding of the conditions in which clinical care is delivered. As part of its wider role, Temple will continue to monitor these developments and support constructive engagement with efforts to improve both healthcare standards and the legal process for injured patients.

At Temple, we remain committed to helping our business partners meet these challenges. If you'd like to talk about what these developments mean for your firm or your clients, please contact me on 01483 514804 or email matthew.best@temple-legal.co.uk



Webinar: recoverability of expert fees in clinical negligence costs

By Oliver White, Underwriter

The recovery of expert fees remains one of the most contested aspects of costs in clinical negligence cases. At a recent webinar hosted by Kings Chambers in conjunction with Temple Legal Protection, Fraser Barnstaple (barrister at Kings Chambers), examined the latest case law and practical strategies for claimant solicitors. The discussion covered guideline hourly rates, the ongoing uncertainty around expert agency fees and forthcoming changes to fixed costs.

Click here to listen to the webinar <https://www.temple-legal.co.uk/news/webinars/>

Departing from guideline hourly rates

Guideline hourly rates (GHRs) are a starting point, but not the end of the discussion. Paying parties frequently cite the Court of Appeal decision in *Samsung* to argue that any departure requires clear and compelling justification. However, as Fraser highlighted, this authority was given in the context of summary assessments. In detailed assessments the position is more flexible, with the Senior Costs Judge in *Various Claimants v News Group Newspapers* emphasising that GHRs are primarily a tool for judges unfamiliar with costs.

For claimant solicitors, the practical takeaway is the importance of providing a strong narrative in the bill of costs. Complexity is often inherent in clinical negligence - from analysis of voluminous medical records to disentangling pre-existing conditions - and this should be explained clearly.

The impact of client vulnerabilities should also be quantified wherever possible, for example by showing how additional time was required to accommodate disabilities, communication difficulties or the needs of protected parties.

Delegation between fee earners should be recorded carefully, as judges increasingly expect to see proportionate distribution of work across grades.

Expert agency fees and the case law divide

Expert reports are central to clinical negligence litigation and their cost is frequently challenged. The use of agencies adds a further layer of dispute, with conflicting case law on whether invoices must be broken down to separate the expert's own fee from the agency's charges.

Earlier decisions such as *Stringer v Copley* and *Hoskin* suggested that a breakdown could be required, while *Sefton* took the opposite approach in summary assessments. More recently, *CRX v Dents Holdings* and *JXX* have provided contrasting guidance, with the latter now often preferred by district judges as a balanced "halfway house". Under *JXX*, if no breakdown is provided, the court may treat the entire invoice as the expert's fee alone, potentially reducing recovery significantly.

Fraser's advice was pragmatic: receiving parties should be prepared for challenges, anticipate requests for breakdowns and rely on *JXX* where necessary. Paying parties, meanwhile, are likely to continue pressing the point, sometimes in the hope of forcing application hearings.

Fixed costs and the new protocol

The government's fixed costs reforms are set to change the way many lower-value clinical negligence cases are conducted. The proposed "standard track" within the new pre-action protocol will include staged costs, beginning with £5,750 plus 30% of damages at stage one, and limited uplifts for protected parties or children. Additional provision is made for cases progressing to early neutral evaluation, which is expected to become a key stage in encouraging settlement.

While the timetable for implementation remains uncertain, claimant solicitors should be aware that expert report fees will remain recoverable, albeit under greater scrutiny. Disputes about reasonableness are likely to continue, particularly where agency fees are involved.

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Practical implications for claimant solicitors

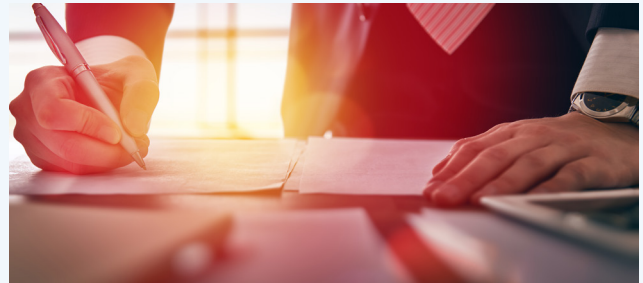
The message from the webinar was clear: success in recovering expert fees and higher hourly rates depends on preparation and detail. Solicitors should:

- Build a comprehensive narrative into the bill of costs, highlighting complexity and vulnerability.
- Keep records that allow quantification of additional time or costs arising from client needs.
- Anticipate defendant arguments on agency fees and be ready to rely on recent authorities.
- Follow developments on fixed costs closely, as these will shape case preparation and budgeting.

Clinical negligence litigation is becoming more tightly controlled by costs rules and case law. By adopting a proactive approach and paying close attention to detail, claimant solicitors can put themselves in the strongest position to recover the costs legitimately incurred in pursuing justice for their clients.

If you would like to discuss any of the details raised in the webinar further, please call 01483 577877 or send an email to oliver.white@temple-legal.co.uk

What type of clinical negligence cases does Temple Legal Protection Cover?



We can provide ATE cover for all types of clinical negligence claims, including surgical negligence, pregnancy and birth injury claims, prescription and medication errors, cosmetic surgery negligence, dental negligence and opticians' negligence.

Click on the links below for in-depth ATE insurance information for clinical negligence litigators.

- Pregnancy and birth injury cases - [Read more](#)
- Cauda Equina Syndrome (CES) cases - [Read more](#)
- Delayed diagnosis / misdiagnosis cases - [Read more](#)
- Surgical negligence cases - [Read more](#)
- Prescription and medication - [Read more](#)
- Optician's negligence claims - [Read more](#)
- Dental negligence cases - [Read more](#)
- Cosmetic surgery claims - [Read more](#)
- Nursing care and care home claims - [Read more](#)
- Wrongful birth cases - [Read more](#)

'Don't just take our word for it'

"Over the last decade, I have been fortunate to enjoy an excellent working relationship with Temple Legal Protection. As a small niche practice, it is essential to have collaborative partners who understand the needs of my business and who are responsive to those needs."

From after the event funding through to disbursement funding, the services provided by Temple are exceptional. They have provided to my clients an essential funding lifeline, at modest cost that other funders simply would not offer.

The Temple Team are responsive, efficient and willing to listen. I cannot commend Temple and their team highly enough".

Diane Rostron - Specialist medical negligence solicitor



Good deeds for great causes



13 bridges. 10 miles. 1 amazing cause - We did it!

Raising funds for the Queen Elizabeth Foundation for Disabled People.

Earlier this month the team at Temple Legal Protection completed the London Bridge Challenge in support of Queen Elizabeth's Foundation for Disabled People (QEF), raising funds to ensure they can continue their life-changing services for disabled children and adults.

A huge thank you to everyone who has supported us so far.

If you would like to donate to this cause please click here - <https://www.justgiving.com/page/temple-thames-bridge-challenge>

Here's to another 90 years of QEF making a difference!



Back Up Front Row Fashion Show

On 17th September, Lisa Fricker and Morag Lewis from Temple Legal Protection had the pleasure of attending the Back Up Front Row Fashion Show. The evening was a dazzling celebration of style, creativity, and true inclusivity, filled with glitz, glamour, and inspiration.

More than just a fashion show, the event raised vital funds to support Back Up's mission - helping people affected by spinal cord injury to embrace life to the fullest.

Discover more about the incredible work Back Up does here:

<https://www.backuptrust.org.uk/about-us>



MDS Charity Walk for Cauda Equina Champions Charity

On Saturday 20th September, team Temple laced up their walking boots for a 10-mile challenge across the Peak District.

The event is kindly hosted by MDS | Moosa-Duke Solicitors and aims to raise both awareness and funds for the Cauda Equina Champions Charity, an incredible UK charity dedicated to supporting people living with Cauda Equina Syndrome (CES).

The charity's work in providing support, education, and promoting early diagnosis is life-changing. With CES, timely intervention can make all the difference - and that's why raising awareness is so vital.

As well as participating Temple also made a donation directly to this cause. If you'd like to show your support you can donate here: <https://www.justgiving.com/page/temple-legal-2>



Putts for Guts Golf Fundraiser

What a fantastic evening on (and off) the course! We were proud to sponsor the 'Putts for Guts Golf Fundraiser' at Riverbank House, London - and even prouder to support such a great cause.

Thanks to everyone who took part, donated, and helped make the day a huge success. Together, we raised vital funds for [Guts UK Charity](#), supporting the millions of people across the UK living with digestive diseases.



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Really Quite Interesting?

What's caught our eye recently

By Matthew Best, Director - ATE Partnerships,
Head of Personal Injury & Clinical Negligence

'The NHS, health tech and legal risk - we need to talk'

<https://www.legalfutures.co.uk/blog/the-nhs-healthtech-and-legal-risk-we-need-to-talk>

From data privacy to AI-driven diagnostics, this article highlights how innovation can quickly become risk exposure if oversight lags behind. A thought-provoking read for practitioners and those advising healthcare providers.

'NHS Resolution to launch neutral evaluation scheme'

<https://www.legalfutures.co.uk/latest-news/nhs-resolution-to-launch-neutral-evaluation-scheme>

Is NHS Resolution seeking alternatives to drawn-out litigation? A neutral evaluation scheme could offer a pragmatic way to resolve claims earlier, saving both costs and distress. Its success will depend on how independent and transparent the process proves in practice.

'Average settlement time in whiplash portal shoots up to 609 days'

<https://www.legalfutures.co.uk/latest-news/average-settlement-time-in-whiplash-portal-shoots-up-to-609-days>

This is astonishing. Whiplash portal cases are taking longer to settle than most!

'Court restores firm's 50% damages deduction'

<https://www.lawgazette.co.uk/news/court-restores-frms-50-damages-deduction/5123761.article>

An interesting article this. You could argue about a high premium, but if Morrisons defended, how much was spent on disbursements, that the client would have been liable for? People who say ATE wasn't justified clearly do not understand it.

'Annual clinical negligence costs soar past £3bn'

<https://www.lawgazette.co.uk/news/annual-clinical-negligence-costs-soar-past-3bn/5123965.article>

If the opponent admitted early in cases that were indefensible, costs would substantially reduce. Also, experts' fees have also exponentially increased over the last few years.

'Judge criticises NHS trust for not explaining why it ignored ADR bid'

<https://www.legalfutures.co.uk/latest-news/judge-criticises-nhs-trust-for-not-explaining-why-it-ignored-adr-bid>

The court's comments underline how risky it is for NHS trusts to dismiss ADR without explanation. Refusing reasonable settlement avenues can have consequences when costs are assessed. For claimants, the message is clear - keep pressing for ADR where appropriate, as courts are increasingly supportive.

CLINICAL THINKING

Solicitor updates and insights on clinical negligence and personal injury topics

temple
legal protection

Out and about in Autumn 2025

By John Durbin, Senior Business Development Manager



Catastrophic injury conference - St John's Chambers. 25th September, Bristol.

Taking place this week and sponsored by Temple Legal Protection, this event will also see my colleague, Lisa Fricker giving a presentation on topical matters. We will also be exhibiting at this event so come and visit the Temple stand!

Find out more at <https://www.stjohnschambers.co.uk/seminars/catastrophic-injury-conference-rehabilitation>

APIL Clinical negligence conference - 1- 3 October, Brighton

At the start of next month we will also be exhibiting at the APIL 2025 Clinical negligence annual conference. Come along to the Temple stand for a chat with myself, Morag and - first time out this year - it's welcome back to Matt Best. He, like all of us, is very much looking forward to also catching up with friends old and new.

Find out more at <https://www.apil.org.uk/event/APILCN25#the-conference>

Contacts:

Matthew Best | Director of ATE Partnerships

Matt, with Temple since 2011, oversees personal injury and clinical negligence underwriting. Now Director of ATE Partnerships, he is respected for building strong industry relationships and driving team success.

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John Durbin | Senior Business Development Manager

John, with 19+ years in legal expenses and 17 in ATE insurance, leads the development of Temple's clinical negligence and personal injury offerings and is known for his approachable style.

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Lisa Fricker | Head of Solicitor Services & Quality Assurance

Lisa has 15+ years' legal insurance experience. She manages internal and external reviews, ensuring high service standards and strong solicitor relationships are maintained.

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David Stoker | Senior Underwriter

David supports personal injury and clinical negligence teams, contributing to ATE underwriting and helping assess delegated schemes to ensure clients receive the best from Temple's services.

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Morag Lewis | Senior Underwriter

Morag plays a key role in personal injury and clinical negligence underwriting and is pursuing CILEX and insurance qualifications to further enhance her skills and service delivery.

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Bipin Regmi | Senior Underwriter

Bipin, a qualified Solicitor since 2019, brings deep expertise in negligence claims and risk assessment, contributing strong legal insight and analytical judgment to Temple's underwriting process.

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Oliver White | Underwriter

Oliver supports both Clinical Negligence & Personal Injury and Commercial teams, assessing case coverage and managing delegated authority schemes to ensure clients' ATE insurance needs are met.

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Shelley Carrick-Forrester | Underwriter

Shelley, a former medical secretary with a law diploma, joined Temple in 2022. Now an Underwriter, she brings legal and clinical experience to support clients with professionalism and attention to detail.

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