# NHS maternity failings and rising negligence costs expose urgent need for reform



The soaring financial burden linked to medical negligence in England’s maternity services spotlights deep-rooted failures within the NHS, reinforcing calls for urgent and systemic improvements. The National Audit Office estimates negligence liabilities now total around £60 billion, a fourfold increase in under two decades. This escalation largely stems from obstetric cases, where payouts tend to be significantly higher due to the lifelong care required for babies who suffer injuries at birth.

The scale of maternity-related negligence is stark. In 2023/24, the NHS in England spent £2.8 billion on damages and legal costs for clinical negligence claims, with maternity care alone accounting for half that total. Although maternity claims represent only 13% of all clinical claims, they make up 57% of the payout value, underscoring the disproportionate financial impact of birth-related injuries. Such data reflects both the high cost of care for affected infants and the ongoing strain on NHS resources.

This troubling financial picture is mirrored by equally alarming maternity care outcomes. A Care Quality Commission (CQC) review revealed that nearly half of NHS maternity units require improvement or are inadequate. Issues such as unreported serious harm incidents, long delays in clinical assessments, lack of adequate space and equipment, and pervasive discrimination contribute to unsafe environments. Health Secretary Wes Streeting labelled these failings a “cause for national shame,” vowing that raising maternity care standards would be a key test for his administration.

Yet, despite numerous publicised scandals over the years—including tragic failings in Morecambe Bay, Shrewsbury and Telford, East Kent, and more recently Nottingham—the persistence of preventable deaths and injuries highlights systemic problems. Investigations into these cases have repeatedly pointed to weak leadership, poor inter-clinician collaboration, inadequate staffing levels, and an entrenched failure to learn from mistakes. The first parliamentary report on birth trauma reviewed last year condemned the tolerance of substandard care and the perception of women as inconveniences rather than patients deserving of dignity.

The complexity of the challenges is compounded by demographic shifts and evolving clinical demands. The increasing numbers of older and heavier mothers, alongside a higher incidence of caesarean sections, place additional strain on staff and systems. These factors, coupled with unmanageable workloads, contribute to ongoing staff retention difficulties—and by extension, care quality issues.

Financially, the maternity programme’s annual budget of approximately £122 million contrasts sharply with the multi-billion-pound costs arising from clinical negligence claims. Between 2018/19 and 2022/23, the NHS faced over £3 billion in negligence payouts related to obstetrics alone. Some caution surrounds headline figures: fact-checking reveals that annual clinical negligence payments for maternity are closer to £1.1 billion rather than overstated totals sometimes cited; nevertheless, the liability remains profound and unsustainable.

In June 2025, in recognition of these crises, Wes Streeting formally launched an inquiry into maternity services, targeting up to ten of the worst-performing trusts and aiming to produce recommendations by December 2025. This investigation follows decades of scandals and signals a critical government focus on reversing entrenched problems. However, bereaved families and campaigners express scepticism about whether new recommendations will transcend previous failed promises, given the NHS maternity service’s enduring challenges.

Beyond tragic birth injuries and fatalities, indicators such as the rising incidence of severe vaginal tears, increased maternal mortality, and hospital readmissions signal systemic weaknesses that extend to the broader experience of childbirth. Some rise in maternal injuries may reflect improved reporting and awareness in a historically under-discussed area. Nonetheless, rising costs and persistent poor outcomes sharply underline that incremental improvements are insufficient.

Ultimately, the rising payouts for maternity-related negligence cases, alongside continuing reports of unsafe care, serve as urgent warnings. There is no simple fix for the intricate problems facing maternity services, but the government's inquiry and renewed ministerial attention present an opportunity. The key challenge lies in translating recommendations into concrete, lasting improvements to ensure safe, dignified, and equitable care for all mothers and babies.

### 📌 Reference Map:

* Paragraph 1 – [[1]](https://www.theguardian.com/commentisfree/2025/oct/19/the-guardian-view-on-childbirth-and-medical-negligence-rising-payouts-highlight-the-urgency-of-maternity-improvements), [[7]](https://www.nhsnegligence.co.uk/nhs-negligence-claims-payouts/), [[2]](https://www.independent.co.uk/news/health/nhs-negligence-maternity-care-legal-costs-b2587544.html), [[6]](https://fullfact.org/health/maternity-nhs-compensation-clinical-negligence/)
* Paragraph 2 – [[2]](https://www.independent.co.uk/news/health/nhs-negligence-maternity-care-legal-costs-b2587544.html), [[6]](https://fullfact.org/health/maternity-nhs-compensation-clinical-negligence/), [[4]](https://questions-statements.parliament.uk/written-questions/detail/2023-09-14/HL10187/)
* Paragraph 3 – [[3]](https://news.sky.com/story/maternity-failings-uncovered-within-nhs-in-england-are-widespread-says-health-watchdog-13217298), [[1]](https://www.theguardian.com/commentisfree/2025/oct/19/the-guardian-view-on-childbirth-and-medical-negligence-rising-payouts-highlight-the-urgency-of-maternity-improvements), [[5]](https://www.reuters.com/business/healthcare-pharmaceuticals/uk-launches-investigation-into-maternity-care-after-multiple-scandals-2025-06-23/)
* Paragraph 4 – [[1]](https://www.theguardian.com/commentisfree/2025/oct/19/the-guardian-view-on-childbirth-and-medical-negligence-rising-payouts-highlight-the-urgency-of-maternity-improvements), [[3]](https://news.sky.com/story/maternity-failings-uncovered-within-nhs-in-england-are-widespread-says-health-watchdog-13217298), [[5]](https://www.reuters.com/business/healthcare-pharmaceuticals/uk-launches-investigation-into-maternity-care-after-multiple-scandals-2025-06-23/)
* Paragraph 5 – [[1]](https://www.theguardian.com/commentisfree/2025/oct/19/the-guardian-view-on-childbirth-and-medical-negligence-rising-payouts-highlight-the-urgency-of-maternity-improvements), [[2]](https://www.independent.co.uk/news/health/nhs-negligence-maternity-care-legal-costs-b2587544.html), [[3]](https://news.sky.com/story/maternity-failings-uncovered-within-nhs-in-england-are-widespread-says-health-watchdog-13217298)
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## Bibliography

1. <https://www.theguardian.com/commentisfree/2025/oct/19/the-guardian-view-on-childbirth-and-medical-negligence-rising-payouts-highlight-the-urgency-of-maternity-improvements> - Please view link - unable to able to access data
2. <https://www.independent.co.uk/news/health/nhs-negligence-maternity-care-legal-costs-b2587544.html> - In 2023/24, the NHS in England paid £2.8 billion in damages and legal costs for clinical negligence claims, with half of these costs associated with poor maternity care. Maternity-related claims accounted for 13% of clinical claims but resulted in 57% of the total payout value. The NHS Resolution report highlighted that while most clinical claims were resolved without litigation, the overall value of damages and legal costs continued to rise, underscoring the financial burden of maternity-related negligence on the NHS.
3. <https://news.sky.com/story/maternity-failings-uncovered-within-nhs-in-england-are-widespread-says-health-watchdog-13217298> - A review by the Care Quality Commission (CQC) found that nearly half of NHS maternity units in England were rated as inadequate or requiring improvement. The CQC identified common issues such as unreported serious harm incidents, long delays in assessments, lack of space and equipment, and instances of discrimination. Health Secretary Wes Streeting described these findings as a 'cause for national shame' and emphasised the need for urgent action to prevent poor care from becoming normalised.
4. <https://questions-statements.parliament.uk/written-questions/detail/2023-09-14/HL10187/> - In response to a parliamentary question, the Department of Health and Social Care provided data on NHS England's annual budgets and expenditures. The annual budget for the NHS England Maternity Programme is £122 million, with NHS Providers spending approximately £4 billion annually on maternity services. Clinical negligence claims related to obstetrics amounted to over £3 billion between 2018/19 and 2022/23, highlighting the significant financial impact of maternity-related negligence on the NHS.
5. <https://www.reuters.com/business/healthcare-pharmaceuticals/uk-launches-investigation-into-maternity-care-after-multiple-scandals-2025-06-23/> - In June 2025, Health Minister Wes Streeting announced a formal investigation into maternity services across England, following several high-profile failures leading to the deaths of mothers and babies. The inquiry aims to report by December 2025, examining up to ten of the worst-performing services and reviewing the entire maternity system. This decision follows tragic incidents over the past two decades, including scandals in Morecambe Bay, East Kent, Shrewsbury and Telford, and Nottingham.
6. <https://fullfact.org/health/maternity-nhs-compensation-clinical-negligence/> - A fact-checking article clarifies that the NHS in England does not pay £8.2 billion annually in clinical negligence compensation for maternity care. NHS Resolution's annual accounts show that £2.6 billion was spent on clinical negligence payments in 2022/23, with 41% (£1.1 billion) related to maternity care. This is significantly lower than the £3 billion a year NHS England spends on maternity and neonatal services, highlighting the financial burden of maternity-related negligence on the NHS.
7. <https://www.nhsnegligence.co.uk/nhs-negligence-claims-payouts/> - Over the past decade, claimant legal costs have surged, rising by 140% for budgeted matters, 45% for unbudgeted matters, and 73% for unlitigated matters. Maternity-related claims, which constitute about 10–12% of new claims, consistently account for nearly half of all payout value due to the lifelong care needs of affected newborns. Since 2019, the NHS faces an astonishing £27.4 billion bill for maternity-related clinical negligence claims in England alone, with projected liabilities now standing at £37.5 billion, making up over half of the total clinical negligence liability.