NHS Resolution

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September 2023
FOI_6112

The following information was requested on 7 August 2023:

In each of the NHSR accounting years 2018/19, 2019/20, 2020/21, 2021/22 and 2021/23, in respect of all clinical negligence schemes;
1. The number of clinical negligence claims received during the year.
2. The number of clinical negligence claims closed during the year.
3. The number of clinical negligence claims closed before the issue of proceedings with no payment of damages.
4. The number of clinical negligence claims closed before the issue of proceedings with payment of damages.
5. In respect of the claims identified in 4, please state:
a. The total damages paid.
b. The total Claimant costs.
c. The total Defendant costs.
6. In respect of the claims identified in 4, please state:
a. The number of claims where the damages did not exceed £25,000 and in respect of those cases:
b. The total damages paid.
c. The total Claimant costs.
d. The Total Defendant costs.
7. In respect of the Claims identified in 4, please state:
a. The number of claims where the damages exceeded £25,000 but did not exceed £100,000 and in respect of those cases:
b. The total damages paid.
c. The total Claimant costs.
d. The total Defendant costs.
8. The number of clinical negligence claims closed after the issue of proceedings with no payment of damages.
9. The number of clinical negligence claims closed after the issue of proceedings with payment of damages.
10. In respect of the claims identified in 9, please state
a. The total damages paid
b. The total Claimant costs
c. The total Defendant costs
11. In respect of the claims identified in 9, please state
a. The number of claims where the damages did not exceed £25,000 and in respect of those cases:

b. The total damages paid.
c. The total Claimant costs.
d. The total Defendant costs.
12. In respect of the claims identified in 9, please state
a. The number of claims where the damages exceeded £25,000 but did not exceed £100,000 and in respect of those cases:
b. The total damages paid.
c. The total Claimant costs.
d. The total Defendant costs.

Our Response

Please find attached the requested information. This information only covers England and not the rest of the UK.

We have provided data on clinical cases only. **Please note that the attached data covers claims cases closed in the relevant financial year or settled with a Periodical Payment Orders (PPO) during the financial year.**

NB: We have recently changed the way we report on our FOIs to align better with our published documents. Streamlining our reporting on FOIs with our annual published reports may mean a variation in snapshot dates. This means this data may not align with previous similar requests and it may not be possible for you to compare this information with a previous request. For further information, please refer to https://resolution.nhs.uk/resources/understanding-nhs-resolution-data.

Please note claims notified/received and open are not guaranteed to be settled in the same year and can take many years to be concluded. Claims notified/received in any given year will often relate to incidents that have occurred many years prior. Claims closed in any given year will often relate to claims received/notified many years prior.

The data shows variation in numbers of cases closed per year and costs attributed to those claims. This is a reflection of the nature of individual claims received and resolved by NHS Resolution, which can vary significantly. As such, these fluctuations cannot be interpreted as trends.

PPOs -
The information disclosed includes damages paid out in the relevant period under Periodical payment orders (PPO) previously agreed on cases, which may have been resolved several years ago. It does not include sums, which have been committed on settlements in the relevant period under a PPO, which may not be paid out until future years. PPOs are an agreement between the parties, to pay an initial lump sum and regular future payments covering the injured party's / claimant's ongoing care needs,

usually for life i.e., a percentage of the full value of the claim is paid at the point of settlement with the balance paid at regular intervals over subsequent years.

Low Numbers

We have supressed low figures as we believe that disclosure of information with this level of granularity is exempt under Section 40(2) by virtue of section 40(3A)(a) of the Act, where disclosure to a member of the public would contravene one or more of the data protection principles. The data protection principles are set out in Article 5 of the General Data Protection Regulation. We take the view that it would not be fair or lawful (given the sensitive and confidential nature of the information held) to disclose such information, and any disclosure would therefore contravene the first data protection principle.

In some instances, the low numbers of claims (fewer than 5) in each category, the likelihood exists that individuals who are the subject of this information may be identified either from this information alone, or in combination with other available information. In addition to this, as this information is considered to be sensitive personal data (the data subjects' medical condition); NHS Resolution believes it has a greater responsibility to protect those individuals' identities, as disclosure could potentially cause damage and/or distress to those involved.

Further to our obligations to provide advice and assistance, you may find it helpful to review the work of the Getting It Right First Time team with whom NHS Resolution has been working with to undertake in-depth analysis of our claims data. They have produced a number of reports from analysing our claims data, which has been shared following approval of the confidentiality advisory group to the use of confidential patient information for this purpose.

If you would like to know how data is categorised in our Claims database please see the following link: Glossary

This concludes our response to your request.

If you are not satisfied with the service that you have received in response to your information request, it is open to you to make a complaint and request a formal review of our decisions. If you choose to do this, you should write to Tinku Mitra, Deputy Director of Corporate and Information Governance, Data Protection Officer for NHS Resolution, within 28 days of your receipt of this reply. Reviews of decisions made in relation to information requests are carried out by a person who was not involved in the original decision-making about the request.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a review of the decision. Generally, the Information Commissioner will not make a decision unless you have exhausted the local complaints procedure. The address of the Information Commissioner's Office is:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

https://ico.org.uk/

FOI 6112 - All Clinical Negligence Claims between 2018/19 and 2022/23

	2018/19	2019/20	2020/21	2021/22	2022/23
1. The number of clinical negligence claims received during the year.	10,678	11,677	13,351	15,078	13,511
2.The number of clinical negligence claims closed or settled with a PPO during the year.	11,793	12,114	11,746	14,332	14,461
3.The number of clinical negligence claims closed before the issue of proceedings with no payment of damages.	3,993	3,809	4,416	5,667	6,114
4. The number of clinical negligence claims closed before the issue of proceedings with payment of damages.	3,976	4,679	4,086	4,951	5,108
5. In respect of the claims identified in 4, please state:					
a. The total damages paid.	123,966,851	177,842,114	209,439,465	284,280,155	326,163,378
b. The total Claimant costs.	81,564,331	102,211,257	105,935,101	148,390,741	171,685,061
c. The total Defendant costs.	13,719,407	18,257,573	20,422,383	26,880,175	33,426,078
6. In respect of the claims identified in 4, please state:					
a. The number of claims where the damages did not exceed £25,000 and in respect of those cases:	2,867	3,306	2,605	3,044	3,106
b. The total damages paid.	28,165,387	32,507,151	26,166,041	31,527,285	32,308,706
c. The total Claimant costs.	39,048,867	48,130,621	41,005,644	53,281,627	61,187,155
d. The Total Defendant costs.	6,293,911	7,744,024	6,561,882	8,820,663	9,887,669
7. In respect of the Claims identified in 4, please state:					
a. The number of claims where the damages exceeded £25,000 but did not exceed £100,000 and in respect of those cases:	895	1,067	1,071	1,344	1,396
b. The total damages paid.	43,247,570	52,497,008	54,644,019	68,767,295	71,602,803
c. The total Claimant costs.	26,312,087	32,804,421	35,479,467	48,395,217	56,541,610
d. The total Defendant costs.	4,232,542	5,197,574	6,302,331	7,614,683	9,335,074
8. The number of clinical negligence claims closed after the issue of proceedings with no payment of damages.	789	661	659	847	746
9. The number of clinical negligence claims closed or settled with a PPO after the issue of proceedings with payment of damages.	3,035	2,965	2,585	2,867	2,493
10. In respect of the claims identified in 9, please state					
a. The total damages paid	1,189,077,972	1,027,029,648	980,999,872	1,209,856,424	1,230,855,158
b. The total Claimant costs	325,187,153	305,581,372	271,605,038	336,729,795	308,464,707
c. The total Defendant costs	93,203,751	90,419,109	84,010,598	100,947,196	93,635,214
11. In respect of the claims identified in 9, please state					
a. The number of claims where the damages did not exceed £25,000 and in respect of those cases:	1,164	1,149	957	944	854
b. The total damages paid.	13,467,026	13,610,486	11,863,265	11,337,297	9,043,074
c. The total Claimant costs.	45,064,145	42,375,157	35,364,165	36,887,295	33,866,505
d. The total Defendant costs.	12,318,742	12,299,075	10,427,655	10,692,218	10,381,410
12. In respect of the claims identified in 9, please state					
a. The number of claims where the damages exceeded £25,000 but did not exceed £100,000 and in respect of those cases:	910	866	731	868	720
b. The total damages paid.	48,328,550	46,819,792	39,587,403	48,265,946	38,559,309
c. The total Claimant costs.	69,865,551	61,260,498	51,711,453	68,224,590	54,386,712
d. The total Defendant costs.	17,202,875	17,839,644	14,811,488	19,829,997	14,692,609