



Resolution

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September 2023
FOI_6113

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 2022/23, in respect of all claims where the treatment giving rise to the claim was **provided by a private healthcare provider** with the indemnity provided under one of the clinical negligence schemes, please provide the following information under the Freedom of Information Act 2000.*

- 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 details of clinical claims recorded against independent sector healthcare providers treating NHS patients who are members of our indemnity scheme. The numbers are likely to include a few cases where treatment was in the community, as opposed to on the premises of private providers.

Please note that we do not indemnify **all** independent sector providers and therefore can only answer the questions raised for those organisations that are members of our schemes. Therefore, the volume of claims notified and settled will fluctuate, dependant on the number of independent sector members we indemnify at any point.

Please note there are a small number of claims not included where a Trust has sub-contracted work to a private hospital, and it is a term of the arrangement that the Trust agrees to accept liability (for whatever reason) and we log such cases against the Trust. It is not possible to identify these from our Claims Management System as we do not have a code for them.

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 that the attached data covers claims closed in the relevant financial year or settled with a Periodical Payment Orders (PPO) during the financial year.

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.

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 6113 - All Clinical Negligence Claims between 2018/19 and 2022/23 where the treatment giving rise to the claim was provided by a private healthcare provider

	2018/19	2019/20	2020/21	2021/22	2022/23
1. The number of clinical negligence claims received during the year.	301	352	392	381	357
2. The number of clinical negligence claims closed or settled with a PPO during the year.	325	338	309	370	370
3. The number of clinical negligence claims closed before the issue of proceedings with no payment of damages.	110	125	103	131	99
4. The number of clinical negligence claims closed before the issue of proceedings with payment of damages.	126	126	119	145	184
5. In respect of the claims identified in 4, please state:					
a. The total damages paid.	3,413,178	4,802,128	6,734,715	5,521,943	7,909,738
b. The total Claimant costs.	2,340,541	2,685,327	3,198,560	3,751,162	5,622,575
c. The total Defendant costs.	305,080	353,018	526,559	605,609	889,170
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:	93	91	76	90	107
b. The total damages paid.	973,935	784,201	796,151	1,023,666	1,173,826
c. The total Claimant costs.	1,287,451	1,102,711	1,107,523	1,490,028	1,789,450
d. The Total Defendant costs.	161,076	172,605	139,508	205,899	321,885
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:	26	26	26	47	59
b. The total damages paid.	1,034,366	1,368,991	1,208,719	2,265,552	2,983,203
c. The total Claimant costs.	624,133	835,441	854,107	1,477,704	2,275,795
d. The total Defendant costs.	84,760	100,443	107,325	247,121	331,182
8. The number of clinical negligence claims closed after the issue of proceedings with no payment of damages.	19	24	21	18	11
9. The number of clinical negligence claims closed or settled with a PPO after the issue of proceedings with payment of damages.	70	63	66	76	76
10. In respect of the claims identified in 9, please state					
a. The total damages paid	6,386,251	7,519,836	7,061,838	12,612,534	9,138,005
b. The total Claimant costs	4,962,820	4,061,546	4,864,361	6,703,531	5,798,257
c. The total Defendant costs	1,262,125	1,234,568	1,330,981	1,875,539	1,405,188
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:	26	26	28	25	30
b. The total damages paid.	330,857	332,975	321,848	311,331	408,803
c. The total Claimant costs.	571,440	824,786	949,427	761,798	1,069,680
d. The total Defendant costs.	187,375	242,839	244,856	239,765	263,190
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:	23	23	20	25	32
b. The total damages paid.	1,164,300	1,303,183	1,054,196	1,231,853	1,393,806
c. The total Claimant costs.	1,508,151	1,220,074	1,151,156	1,540,400	2,037,322
d. The total Defendant costs.	283,213	478,477	288,279	370,025	441,981