NHS Resolution

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September 2023
FOI_6120

The following information was requested on 11 August 2023:

In each of the NHSR accounting years 2019/20, 2020/21, 2021/22 and 2022/23, in respect of all ***clinical schemes for GPs*** *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 requested information. This data relates to our CNSGP or ELSGP scheme 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.**

The ELSGP scheme relates to historical liabilities, for those who were members of the Medical and Dental Defence Union of Scotland (MDDUS) or the Medical Protection Society (MPS) at the time of the incident.
For further information please refer to the full explanation on our website: General Practice Indemnity - NHS Resolution

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 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. Where we are in the territory of such small numbers in the attached, we have used a '#' symbol in the relevant field. You should still be able to see aggregate/total details for higher level fields containing this data.

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 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 6120 - All Clinical Negligence Claims between 2018/19 and 2022/23, as reported under the ELSGP and CNSGP Schemes

	2018/19	2019/20	2020/21	2021/22	2022/23
1. The number of clinical negligence claims and incidents received during the year.	0	401	2535	4794	2889
2.The number of clinical negligence claims closed or settled with a PPO during the year.	0	209	1193	2660	3221
3.The number of clinical negligence claims closed before the issue of proceedings with no payment of damages.	0	202	1052	1980	2148
4. The number of clinical negligence claims closed before the issue of proceedings with payment of damages.	0	#	61	340	480
5. In respect of the claims identified in 4, please state:					
a. The total damages paid.	0	#	2,004,070	26,107,945	15,807,194
b. The total Claimant costs.	0	#	1,124,986	10,568,432	12,358,185
c. The total Defendant costs.	0	#	130,175	2,396,040	2,736,952
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:	0	#	50	241	366
b. The total damages paid.	0	#	330,646	1,684,120	2,852,332
c. The total Claimant costs.	0	#	593,786	3,048,670	5,818,779
d. The Total Defendant costs.	0	#	99,621	776,019	1,229,236
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:	0	0	6	57	84
b. The total damages paid.	0	0	256,739	2,795,722	3,951,724
c. The total Claimant costs.	0	0	217,000	1,983,243	3,235,489
d. The total Defendant costs.	0	0	12,725	417,644	792,258
8. The number of clinical negligence claims closed after the issue of proceedings with no payment of damages.	0	#	66	245	275
9. The number of clinical negligence claims closed or settled with a PPO after the issue of proceedings with payment of damages.	0	#	14	95	318
10. In respect of the claims identified in 9, please state					
a. The total damages paid	0	#	980,001	10,192,282	28,969,747
b. The total Claimant costs	0	#	613,528	5,398,055	21,635,255
c. The total Defendant costs	0	#	81,566	1,677,430	6,391,616
11. In respect of the claims identified in 9, please state	0				
a. The number of claims where the damages did not exceed £25,000 and in respect of those cases:	0	#	6	54	163
b. The total damages paid.	0	#	13,517	465,606	1,509,079
c. The total Claimant costs.	0	#	51,270	1,193,745	5,324,386
d. The total Defendant costs.	0	#	20,995	413,093	1,885,116
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:	0	0	#	25	88
b. The total damages paid.	0	0	#	1,117,305	4,710,707
c. The total Claimant costs.	0	0	#	1,798,393	5,992,914
d. The total Defendant costs.	0	0	#	600,517	1,642,112