NHS Resolution

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September 2023
FOI_6128

The following information was requested on 16 August 2023:

I would be grateful for the most recent details on the top-25 claimant law firms undertaking claims for clinical negligence against NHSR, and the numbers involved.

Previous information provided has included the number of claims, damages paid, claimant firm costs, as well as the share of volume represented, share of damages and share of costs. For example, in 2019/20, Irwin Mitchell made 699 claims, £190,214,529 in damages were paid and the firm's costs were £45,766,241. These numbers represented 9.3%, 11.3% and 9.2% shares.

Previous similar request referred to is: [FOI_4990_Top-25-highest-paid-claimant-firms.pdf (resolution.nhs.uk)]

Our Response

Please note: 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 find attached the requested information in relation to the top 25 highest paid claimant firms by the sum of claimant costs paid. The data provided reflects the number of claims closed (or settled as a periodic payment order and paid) in each financial year and not the number of claims received in that year by NHS Resolution.

Due to the nature of clinical negligence claims and the level of investigation needed to bring them to a resolution, claims received and notified in a specific year may take years to settle.

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.

Table 1 shows: - Number and Cost of Clinical Claims Closed (or settled as a PPO) between the financial years 2019/20 to 2022/23 ranked by the top 25 claimant firms by claimant legal costs paid.

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 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 numbers as we believe that disclosure of information with this level of granularity is exempt under Section 40(2) by virtue of section 40(3)(a)(i) of the FOI 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. 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, 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/

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NB: Number of claims fewer than 5 (and any associated values, within the same row) are masked with a "#" (in accordance with Data Protection guidelines). Accordingly, some total values may also be approximated to prevent masked values to be deduced through reverse calculation.

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Table 1: Number and Cost of Clinical Claims Closed/Settled as a PPO between the financial years 2019/20 to 2022/23 ranked by the top 25 claimant firms by claimant legal costs paid

Clinical PPO_case	Clinical (All)

Claimant Solicitor Firm -- Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	Claimant Legal Costs Paid
Irwin Mitchell	**3392**	**870,941,944**	**211,229,669**
2019/20	748	168,150,959	44,072,156
2020/21	749	173,236,361	43,790,707
2021/22	952	284,217,364	63,094,230
2022/23	943	245,337,259	60,272,576
Fletchers	**4625**	**114,982,631**	**80,943,319**
2019/20	874	19,345,491	14,766,296
2020/21	981	16,601,394	13,057,576
2021/22	1358	45,204,976	29,908,916
2022/23	1412	33,830,770	23,210,531
Slater & Gordon	**1254**	**172,449,652**	**61,266,027**
2019/20	304	49,764,365	15,870,800
2020/21	264	19,165,467	11,038,598
2021/22	347	53,042,854	17,187,193
2022/23	339	50,476,967	17,169,436
Leigh Day	**576**	**171,854,707**	**48,462,381**
2019/20	144	43,248,586	10,999,544
2020/21	122	41,282,414	11,735,047
2021/22	149	40,303,962	14,150,846
2022/23	161	47,019,745	11,576,943
Stewarts Law	**172**	**144,407,490**	**37,047,926**
2019/20	43	34,873,807	11,830,508
2020/21	40	22,922,524	5,578,050
2021/22	43	40,841,698	9,478,365
2022/23	46	45,769,460	10,161,003
Fieldfisher	**224**	**286,301,284**	**36,073,832**
2019/20	29	27,181,925	3,650,994
2020/21	33	40,458,170	5,314,385
2021/22	68	77,893,800	10,310,344
2022/23	94	140,767,389	16,798,109
Enable Law	**469**	**129,122,658**	**34,248,843**
2019/20	103	23,840,843	6,945,210
2020/21	113	21,540,497	7,266,221
2021/22	140	37,209,945	10,055,718
2022/23	113	46,531,372	9,981,694
Thompsons	**1006**	**78,763,254**	**33,070,628**
2019/20	259	15,430,829	5,532,705
2020/21	243	29,390,362	8,480,885
2021/22	271	17,752,712	9,417,402
2022/23	233	16,189,351	9,639,636
Penningtons Manches	**380**	**70,878,509**	**27,980,945**
2019/20	73	16,664,480	6,318,396
2020/21	101	17,918,596	6,111,144
2021/22	115	20,436,380	8,667,424
2022/23	91	15,859,052	6,883,981
JMW	**515**	**153,931,998**	**26,655,286**
2019/20	111	40,986,886	7,177,830
2020/21	116	33,912,254	5,710,325
2021/22	133	33,841,786	5,990,350
2022/23	155	45,191,072	7,776,781
Shoosmiths	**432**	**88,160,139**	**22,329,577**
2019/20	36	14,920,346	2,241,433
2020/21	89	28,412,921	6,272,110
2021/22	129	6,510,283	4,555,981
2022/23	178	38,316,589	9,260,052
Switalskis	**357**	**48,462,788**	**21,511,133**

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Clinical	Clinical
PPO_case	(All)

Claimant Solicitor Firm -- Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	Claimant Legal Costs Paid
2019/20	96	12,568,207	5,912,992
2020/21	78	5,513,855	4,340,698
2021/22	99	14,737,279	4,978,166
2022/23	84	15,643,448	6,279,276
Pryers	**608**	**33,522,307**	**21,380,711**
2019/20	151	7,312,876	5,433,747
2020/21	157	9,863,036	5,819,771
2021/22	168	6,287,701	4,877,575
2022/23	132	10,058,693	5,249,618
Bolt Burdon Kemp	**135**	**47,601,703**	**20,812,262**
2019/20	30	2,787,921	3,294,131
2020/21	24	4,933,999	2,555,496
2021/22	46	23,840,553	8,537,148
2022/23	35	16,039,230	6,425,487
Simpson Millar	**572**	**65,974,625**	**20,596,381**
2019/20	139	16,293,567	4,780,465
2020/21	133	23,231,842	5,741,065
2021/22	156	16,639,526	5,099,541
2022/23	144	9,809,691	4,975,310
Hodge Jones & Allen	**306**	**56,979,702**	**18,924,984**
2019/20	93	11,488,580	5,338,677
2020/21	60	4,534,472	2,978,921
2021/22	65	17,211,369	5,902,255
2022/23	88	23,745,280	4,705,131
Hudgell	**818**	**29,798,692**	**18,764,688**
2019/20	180	6,228,760	4,297,088
2020/21	190	7,643,733	4,263,955
2021/22	223	6,375,288	4,793,996
2022/23	225	9,550,911	5,409,649
Price Slater Gawne	**360**	**63,492,352**	**17,994,951**
2019/20	77	13,244,403	3,382,212
2020/21	71	7,744,081	3,028,790
2021/22	115	19,699,388	6,333,298
2022/23	97	22,804,480	5,250,651
Gadsby Wicks	**273**	**59,340,754**	**17,342,899**
2019/20	65	18,196,675	6,016,110
2020/21	61	21,290,179	4,234,143
2021/22	64	2,870,666	2,959,444
2022/23	83	16,983,234	4,133,203
Stephensons	**342**	**39,793,310**	**16,544,208**
2019/20	88	3,209,698	3,961,779
2020/21	73	8,556,890	3,245,611
2021/22	83	19,822,453	4,851,661
2022/23	98	8,204,269	4,485,158
Royds Withy King	**298**	**46,139,334**	**16,487,171**
2019/20	99	21,510,075	6,281,658
2020/21	65	13,268,747	4,205,413
2021/22	96	9,913,566	4,695,073
2022/23	38	1,446,946	1,305,027
Bridge McFarland	**426**	**32,440,780**	**15,552,986**
2019/20	91	9,176,356	5,203,237
2020/21	86	4,466,428	2,772,504
2021/22	129	10,842,495	3,546,789
2022/23	120	7,955,501	4,030,455
Lime Personal Injury	**423**	**24,414,528**	**13,553,002**
2019/20	97	3,938,399	3,940,588

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PPO_case	(All)

Claimant Solicitor Firm -- Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	Claimant Legal Costs Paid
2020/21	98	8,053,296	3,160,728
2021/22	110	3,240,811	2,774,373
2022/23	118	9,182,022	3,677,313
Kingsley Napley	**84**	**92,624,107**	**13,510,019**
2019/20	19	28,674,279	3,710,250
2020/21	25	14,866,787	3,176,447
2021/22	21	23,711,545	4,234,022
2022/23	19	25,371,495	2,389,300
Field Fisher Waterhouse	**62**	**145,032,039**	**13,174,388**
2019/20	17	44,980,324	3,837,264
2020/21	14	21,767,384	2,571,244
2021/22	19	59,784,946	4,804,380
2022/23	12	18,499,385	1,961,500
Grand Total	**18109**	**3,067,411,286**	**865,458,219**