



Resolution

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September 2023
FOI_6154

The following information was requested on 31 August 2023:

Top 5 specialties by number of claims received and by the amount paid out for the last 5 financial years.

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 (excluding GPI) claims cases only.

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.

The introduction of the Early Notification Scheme for obstetric cerebral palsy has meant that incidents which are likely to result in a claim are reported more quickly to NHS Resolution than previously, and so whilst this might look like an increase in reported numbers it is, in essence, an acceleration in the reporting of these matters which we can expect to balance out in later years.

Table 1 shows: - Number of Clinical Negligence Claims and Incidents (excluding GPI claims) received between financial years 2018/19 and 2022/23 broken down by Top 5 Specialties by number of claims and incidents received.

Table 2 shows: - Number and total cost of clinical negligence claims (excluding GPI claims) closed in the financial years 2018/19 to 2022/23, with damages paid or settled with a periodical payment order, broken down by top 5 specialities by total costs paid. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

PPOs -

The information disclosed includes damages and costs paid up to the end of the settlement year (in Periodical payment order (PPO) cases) and up to the end of the closure year in non-PPO cases.

PPOs are an agreement between the parties, to pay an initial lump sum and regular future payments (PPO damages) related to the injured party's ongoing needs, usually care for life i.e., a percentage of the full value of the claim is paid at the point of settlement (lump sum damages) with the balance paid at regular intervals over subsequent years. The information disclosed includes lump sum damages, costs and any PPO damages paid up to the end of the year of settlement. It does not include PPO damages, which have been committed to but due to be paid after the settlement year.

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/>

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.

Table 1: Number of Clinical Negligence Claims and Incidents (excluding GPI claims) received between financial years 2018/19 and 2022/23 broken down by Top 5 Specialties by volume

Table 2: Number and total cost of clinical negligence claims (excluding GPI claims) closed in the financial years 2018/19 to 2022/23, with damages paid or settled with a periodical payment order, broken down by top 5 specialities in order of damages paid. *

Table 1: Number of Clinical Negligence Claims and Incidents (excluding GPI claims) received between financial years 2018/19 and 2022/23 broken down by Top 5 Specialties by volume

FOI View scheme	Notified CNST
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Notification Year --Specialty	No. of Claims
2018/19	
Emergency Medicine	1,408
Orthopaedic Surgery	1,254
Obstetrics	1,066
General Surgery	923
Gynaecology	563
2019/20	
Emergency Medicine	1,399
Orthopaedic Surgery	1,359
Obstetrics	1,006
General Surgery	942
Gynaecology	755
2020/21	
Orthopaedic Surgery	1,245
Obstetrics	1,151
Emergency Medicine	1,151
Gynaecology	980
General Surgery	814
2021/22	
Obstetrics	1,238
Emergency Medicine	1,228
Orthopaedic Surgery	1,199
Gynaecology	744
General Surgery	734
2022/23	
Obstetrics	1,385
Emergency Medicine	1,291
Orthopaedic Surgery	1,123
General Surgery	725
Gynaecology	619
Grand Total	26,302

Table 2: Number and total cost of clinical negligence claims (excluding GPI claims) closed in the financial years 2018/19 to 2022/23, with damages paid or settled with a periodical payment order, broken down by top 5 specialities in order of damages paid. *

*The data includes the damages and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

FOI View	Closed Settled
Claim_Outcome	Successful

Closure/Settlement Year for PPOs	No. of Claims	Damages Paid	NHS Legal Costs Paid	Defence Costs Paid	Total Paid
--Specialty					
2018/19					
Obstetrics	721	605,688,009	25,560,735	78,394,471	709,643,216
Paediatrics	148	108,249,653	5,047,952	15,484,366	128,781,972
Emergency Medicine	915	106,299,697	11,059,208	45,054,801	162,413,706
Orthopaedic Surgery	925	86,050,010	12,236,898	50,746,418	149,033,325
General Surgery	616	59,511,219	7,854,924	32,756,053	100,122,196
2019/20					
Obstetrics	770	495,458,879	22,536,708	72,295,468	590,291,055
Paediatrics	157	101,275,864	5,313,501	16,228,899	122,818,264
Orthopaedic Surgery	1,009	100,660,315	14,567,199	53,863,044	169,090,558
Emergency Medicine	1,021	92,099,117	10,831,102	44,429,613	147,359,831
General Surgery	699	61,925,333	9,161,102	35,179,367	106,265,803
2020/21					
Obstetrics	673	501,965,729	22,080,962	68,796,850	592,843,541
Orthopaedic Surgery	877	97,639,132	12,979,543	48,006,901	158,625,576
Emergency Medicine	839	85,011,428	9,645,224	36,551,958	131,208,610
General Surgery	593	65,282,100	8,166,049	33,581,260	107,029,409
Paediatrics	109	53,624,186	2,993,519	8,799,438	65,417,143
2021/22					
Obstetrics	763	503,741,949	21,897,291	78,114,994	603,754,235
Emergency Medicine	957	150,297,901	15,404,003	56,704,891	222,406,796
Orthopaedic Surgery	960	121,218,767	15,155,852	57,814,032	194,188,651
Paediatrics	132	71,805,885	4,129,530	14,964,058	90,899,473
General Surgery	645	67,639,004	9,684,049	37,086,196	114,409,248
2022/23					
Obstetrics	687	596,598,917	25,039,074	84,939,593	706,577,584
Emergency Medicine	883	142,155,476	14,275,028	53,995,873	210,426,377
Paediatrics	137	129,572,624	6,202,306	19,068,492	154,843,422
Orthopaedic Surgery	857	80,542,074	11,930,314	45,925,896	138,398,285
General Surgery	577	60,563,368	9,384,507	32,264,766	102,212,641
Grand Total	16,670	4,544,876,635	313,136,582	1,121,047,699	5,979,060,916