NHS Resolution

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November 2023
FOI_6248

The following information was requested on 24 October 2023:

Follow up to: FOI_6128_Top-25-highest-paid-claimant-firms.pdf (resolution.nhs.uk)

Please could you provide an update to the information previously requested from NHS Resolution on medical negligence claims made between the financial years 2019/20 to 2022/23?

I would like information on the top-25 highest-paid claimant firms by the sum of claimant costs paid as well as the number of claims settled and paid and separately the total damages paid out. I would also like it identified which of those claims separately have been unsuccessful, as well as the total sum of the rest of the firms outside the top 25 (but these need not be identified). In previous requests this has also been provided with a percentage share of the total and I would like this included as well.

Our Response

Please find attached the requested information.

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.

Claims notified/received in any given year will often relate to incidents that have occurred many years prior. Due to the nature of 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 and close. They are not guaranteed to be settled and closed in the same year. As such, there will be a time gap between incident and claim closure.

Table 1 shows: - Number and Percentage Share of Clinical Claims Closed (or Settled with a periodical payment order) between financial years 2019/20 and 2022/23 ranked by top 25 claimant firms by <u>number of claims</u>.

Table 2 shows: - Number and Percentage Share of Clinical Claims Closed (or Settled with a periodical payment order) between financial years 2019/20 and 2022/23 ranked by top 25 claimant firms by <u>the damages payment</u>. The data includes the damages paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

Table 3 shows: - Number and Percentage Share of Clinical Claims Closed (or Settled with a periodical payment order) between financial years 2019/20 and 2022/23 ranked by top 25 claimant firms by <u>claimant solicitor costs paid</u>.

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.

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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T A B L E O F C O N T E N T S

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 Percentage Share of Clinical Claims Closed (or Settled with a periodical payment order) between financial years 2019/20 and 2022/23 ranked by top 25 claimant firms by number of claims

FOI View	Closed Settled
Clinical	Clinical

Claimant Solicitor Firm -- Claim Outcome	No. of Claims	Percentage share of total No of Claims
Others	**33,043**	**62.76%**
Successful	17,497	33.23%
Unsuccessful	15,546	29.53%
Fletchers	**4,625**	**8.78%**
Successful	2,424	4.60%
Unsuccessful	2,201	4.18%
Irwin Mitchell	**3,392**	**6.44%**
Successful	2,307	4.38%
Unsuccessful	1,085	2.06%
Slater & Gordon	**1,254**	**2.38%**
Successful	835	1.59%
Unsuccessful	419	0.80%
Thompsons	**1,006**	**1.91%**
Successful	614	1.17%
Unsuccessful	392	0.74%
Hudgell	**818**	**1.55%**
Successful	508	0.96%
Unsuccessful	310	0.59%
Scott Rees & Co	**673**	**1.28%**
Successful	366	0.70%
Unsuccessful	307	0.58%
Pryers	**608**	**1.15%**
Successful	394	0.75%
Unsuccessful	214	0.41%
Leigh Day	**576**	**1.09%**
Successful	362	0.69%
Unsuccessful	214	0.41%
Simpson Millar	**572**	**1.09%**
Successful	347	0.66%
Unsuccessful	225	0.43%
JMW	**515**	**0.98%**
Successful	331	0.63%
Unsuccessful	184	0.35%
New Law	**496**	**0.94%**
Successful	360	0.68%
Unsuccessful	136	0.26%
Enable Law	**469**	**0.89%**
Successful	327	0.62%
Unsuccessful	142	0.27%
Shoosmiths	**432**	**0.82%**
Successful	273	0.52%
Unsuccessful	159	0.30%
Bridge McFarland	**426**	**0.81%**
Successful	273	0.52%
Unsuccessful	153	0.29%
Lime Personal Injury	**423**	**0.80%**
Successful	217	0.41%
Unsuccessful	206	0.39%
Penningtons Manches	**380**	**0.72%**
Successful	271	0.51%
Unsuccessful	109	0.21%
Lyons Davidson	**376**	**0.71%**
Successful	239	0.45%
Unsuccessful	137	0.26%
Price Slater Gawne	**360**	**0.68%**
Successful	261	0.50%
Unsuccessful	99	0.19%
Switalskis	**357**	**0.68%**
Successful	224	0.43%
Unsuccessful	133	0.25%
Wolferstans	**343**	**0.65%**
Successful	225	0.43%
Unsuccessful	118	0.22%
Stephensons	**342**	**0.65%**
Successful	212	0.40%
Unsuccessful	130	0.25%
Hodge Jones & Allen	**306**	**0.58%**
Successful	221	0.42%
Unsuccessful	85	0.16%
Royds Withy King	**298**	**0.57%**
Successful	206	0.39%
Unsuccessful	92	0.17%
Curtis Legal	**284**	**0.54%**
Successful	208	0.40%
Unsuccessful	76	0.14%
Neil Hudgell	**279**	**0.53%**
Successful	232	0.44%
Unsuccessful	47	0.09%

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Table 1: Number and Percentage Share of Clinical Claims Closed (or Settled with a periodical payment order) between financial years 2019/20 and 2022/23 ranked by top 25 claimant firms by number of claims

FOI View	Closed Settled
Clinical	Clinical

Claimant Solicitor Firm -- Claim Outcome	No. of Claims	Percentage share of total No of Claims
Grand Total	**52,653**	**100.00%**

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Table 2 - Number and Percentage Share of Clinical Claims Closed (or Settled with a periodical payment order) between financial years 2019/20 and 2022/23 ranked by top 25 claimant firms by the damages payment. The data includes the damages paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

FOI View	Closed Settled
Clinical	Clinical

Claimant Solicitor Firm --Claim Outcome	Damages Paid	Percentage share of total damages payment
Others	**2,252,041,974**	**41.35%**
Successful	2,252,098,957	41.35%
Unsuccessful	#	0.00%
Irwin Mitchell	**870,941,944**	**15.99%**
Successful	870,943,491	15.99%
Unsuccessful	#	0.00%
Fieldfisher	**286,301,284**	**5.26%**
Successful	286,301,284	5.26%
Unsuccessful	0	0.00%
Slater & Gordon	**172,449,652**	**3.17%**
Successful	172,452,652	3.17%
Unsuccessful	#	0.00%
Leigh Day	**171,854,707**	**3.16%**
Successful	171,854,707	3.16%
Unsuccessful	0	0.00%
JMW	**153,931,998**	**2.83%**
Successful	153,932,033	2.83%
Unsuccessful	#	0.00%
Field Fisher Waterhouse	**145,032,039**	**2.66%**
Successful	145,032,039	2.66%
Unsuccessful	0	0.00%
Stewarts Law	**144,407,490**	**2.65%**
Successful	144,407,490	2.65%
Unsuccessful	0	0.00%
Enable Law	**129,122,658**	**2.37%**
Successful	129,122,658	2.37%
Unsuccessful	0	0.00%
Fletchers	**114,982,631**	**2.11%**
Successful	114,988,512	2.11%
Unsuccessful	#	0.00%
Boyes Turner	**107,534,337**	**1.97%**
Successful	107,534,337	1.97%
Unsuccessful	0	0.00%
Kingsley Napley	**92,624,107**	**1.70%**
Successful	92,624,107	1.70%
Unsuccessful	0	0.00%
Shoosmiths	**88,160,139**	**1.62%**
Successful	88,160,139	1.62%
Unsuccessful	0	0.00%
Thompsons	**78,763,254**	**1.45%**
Successful	78,763,254	1.45%
Unsuccessful	0	0.00%
Penningtons Manches	**70,878,509**	**1.30%**
Successful	70,878,509	1.30%
Unsuccessful	0	0.00%
Simpson Millar	**65,974,625**	**1.21%**
Successful	65,974,625	1.21%
Unsuccessful	0	0.00%
Price Slater Gawne	**63,492,352**	**1.17%**
Successful	63,496,481	1.17%
Unsuccessful	#	0.00%
Gadsby Wicks	**59,340,754**	**1.09%**
Successful	59,340,754	1.09%
Unsuccessful	0	0.00%
Hodge Jones & Allen	**56,979,702**	**1.05%**
Successful	56,979,702	1.05%
Unsuccessful	0	0.00%
Ashtons Legal	**49,435,401**	**0.91%**
Successful	49,435,401	0.91%
Unsuccessful	0	0.00%
Switalskis	**48,462,788**	**0.89%**
Successful	48,462,788	0.89%
Unsuccessful	0	0.00%
Bolt Burdon Kemp	**47,601,703**	**0.87%**
Successful	47,601,703	0.87%
Unsuccessful	0	0.00%
Royds Withy King	**46,139,334**	**0.85%**
Successful	46,139,334	0.85%
Unsuccessful	0	0.00%
Mintons t/a Minton Morrill	**45,166,807**	**0.83%**
Successful	45,166,807	0.83%

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Table 2 - Number and Percentage Share of Clinical Claims Closed (or Settled with a periodical payment order) between financial years 2019/20 and 2022/23 ranked by top 25 claimant firms by the damages payment. The data includes the damages paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

FOI View	Closed Settled
Clinical	Clinical

Claimant Solicitor Firm --Claim Outcome	Damages Paid	Percentage share of total damages payment
Unsuccessful	0	0.00%
Pattinson & Brewer	**44,429,186**	**0.82%**
Successful	44,429,186	0.82%
Unsuccessful	0	0.00%
Jackson Lees	**40,345,264**	**0.74%**
Successful	40,345,264	0.74%
Unsuccessful	0	0.00%
Grand Total	**5,446,394,638**	**100.00%**

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Table 3: Number and Percentage Share of Clinical Claims Closed (or Settled with a periodical payment order) between financial years 2019/20 and 2022/23 ranked by top 25 claimant firms by claimant solicitor costs paid.

FOI View	Closed Settled
Clinical	Clinical

Claimant Solicitor Firm --Claim Outcome	Claimant Legal Costs Paid	Percentage share of Claimant Costs Paid
Others	**889,453,690**	**50.68%**
Successful	886,973,184	50.54%
Unsuccessful	2,480,506	0.14%
Irwin Mitchell	**211,229,669**	**12.04%**
Successful	210,740,580	12.01%
Unsuccessful	489,089	0.03%
Fletchers	**80,943,319**	**4.61%**
Successful	80,697,818	4.60%
Unsuccessful	245,501	0.01%
Slater & Gordon	**61,266,027**	**3.49%**
Successful	61,024,281	3.48%
Unsuccessful	241,746	0.01%
Leigh Day	**48,462,381**	**2.76%**
Successful	48,397,505	2.76%
Unsuccessful	64,875	0.00%
Stewarts Law	**37,047,926**	**2.11%**
Successful	37,045,926	2.11%
Unsuccessful	#	0.00%
Fieldfisher	**36,073,832**	**2.06%**
Successful	36,073,337	2.06%
Unsuccessful	#	0.00%
Enable Law	**34,248,843**	**1.95%**
Successful	34,139,843	1.95%
Unsuccessful	109,000	0.01%
Thompsons	**33,070,628**	**1.88%**
Successful	32,963,878	1.88%
Unsuccessful	106,750	0.01%
Penningtons Manches	**27,980,945**	**1.59%**
Successful	27,969,445	1.59%
Unsuccessful	11,500	0.00%
JMW	**26,655,286**	**1.52%**
Successful	26,575,036	1.51%
Unsuccessful	80,250	0.00%
Shoosmiths	**22,329,577**	**1.27%**
Successful	22,278,267	1.27%
Unsuccessful	51,310	0.00%
Switalskis	**21,511,133**	**1.23%**
Successful	21,506,865	1.23%
Unsuccessful	#	0.00%
Pryers	**21,380,711**	**1.22%**
Successful	21,197,174	1.21%
Unsuccessful	183,536	0.01%
Bolt Burdon Kemp	**20,812,262**	**1.19%**
Successful	20,812,262	1.19%
Unsuccessful	0	0.00%
Simpson Millar	**20,596,381**	**1.17%**
Successful	20,596,331	1.17%
Unsuccessful	#	0.00%
Hodge Jones & Allen	**18,924,984**	**1.08%**
Successful	18,917,484	1.08%
Unsuccessful	7,500	0.00%
Hudgell	**18,764,688**	**1.07%**
Successful	18,671,516	1.06%
Unsuccessful	93,172	0.01%
Price Slater Gawne	**17,994,951**	**1.03%**
Successful	17,988,451	1.03%
Unsuccessful	6,500	0.00%
Gadsby Wicks	**17,342,899**	**0.99%**
Successful	17,301,649	0.99%
Unsuccessful	41,250	0.00%
Stephensons	**16,544,208**	**0.94%**
Successful	16,496,158	0.94%
Unsuccessful	48,050	0.00%
Royds Withy King	**16,487,171**	**0.94%**
Successful	16,478,682	0.94%
Unsuccessful	8,489	0.00%
Bridge McFarland	**15,552,986**	**0.89%**
Successful	15,519,986	0.88%
Unsuccessful	33,000	0.00%
Lime Personal Injury	**13,553,002**	**0.77%**
Successful	13,553,002	0.77%
Unsuccessful	0	0.00%
Kingsley Napley	**13,510,019**	**0.77%**
Successful	13,510,019	0.77%

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Table 3: Number and Percentage Share of Clinical Claims Closed (or Settled with a periodical payment order) between financial years 2019/20 and 2022/23 ranked by top 25 claimant firms by claimant solicitor costs paid.

FOI View	Closed Settled	
Clinical	Clinical	

Claimant Solicitor Firm --Claim Outcome	Claimant Legal Costs Paid	Percentage share of Claimant Costs Paid
Unsuccessful	0	0.00%
Field Fisher Waterhouse	**13,174,388**	**0.75%**
Successful	13,174,388	0.75%
Unsuccessful	0	0.00%
Grand Total	**1,754,911,909**	**100.00%**