



Resolution

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November 2023
FOI_6214

The following information was requested on 2 October 2023:

NHS Resolution previously provided the attached information under the Freedom of Information Act. [FOI 5513 Clinical-Claims-with-damages-of-1000-25000.doc.pdf \(resolution.nhs.uk\)](#)

Under the Freedom of Information Act, could you please provide an updated version of the table provided in the [FOI 5513 Clinical-Claims-with-damages-of-1000-25000.doc.pdf \(resolution.nhs.uk\)](#) response to include the year 2022/23 and, if possible, the year 2018/19.

Our Response

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 also note that since providing FOI 5513 we identified a coding issue affecting a small number of cases within that dataset. This has been rectified but means that in this FOI (6214) the figures appear different to those previously provided. Please use this FOI response for the most accurate figures.

Please **find attached** the information requested.

Please note claims notified/received 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. 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 attached response will include the same claim maybe appearing more than once in the dataset, across different year groups e.g., where the case has been closed (as unsuccessful), challenged, reopened, and closed again at conclusion.

Please also note that the data shows variation in damages and costs paid. This is a reflection of the nature of individual claims received by NHS Resolution, which can vary significantly. As such, year on year fluctuations cannot necessarily be interpreted as trends.

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/>

Freedom of Information Request# 6214
Data correct as at: The end of every financial year

	2018/19	2019/20	2020/21	2021/22	2022/23
1. The number of clinical claims closed and/ or settled where damages of £1,000 - £25,000 were awarded	3,960	4,396	3,502	3,921	3,898
2. Of those claims identified in question 1, the total damages, claimant costs and defendant costs associated with these claims					
a) Total Damages Paid	41,847,554	46,086,137	37,996,776	42,825,316	42,055,248
b) Claimant Costs	83,612,680	90,385,736	76,238,063	89,864,320	94,640,200
c) Defendant Costs	18,042,682	19,938,332	16,880,567	19,348,778	19,610,472
3. Of those claims identified in question 1, the number of claims where claimant costs exceeded damages	2,819	3,230	2,602	3,020	3,157
4. Of those claims identified in question 1, the average time between claim notification and claim settlement (Days)	470	465	484	465	482
5. Of those claims identified in question 1, the number of claims which were closed/ settled <u>prior to issue of proceedings</u>	2,811	3,257	2,551	2,994	3,060
6. Of those claims identified in question 5, the total damages, claimant costs and defendant costs associated with these claims					
a) Total Damages Paid	28,136,409	32,481,562	26,135,861	31,498,587	32,283,134
b) Claimant Costs	38,983,635	48,041,383	40,876,190	53,055,529	60,914,373
c) Defendant Costs	6,237,752	7,691,131	6,512,273	8,737,005	9,809,336
7. Of those claims identified in question 5, the number of claims where claimant costs exceeded damages	1,757	2,185	1,731	2,155	2,366
8. Of those claims identified in question 5, the average time between claim notification and claim settlement (Days)	355	358	375	371	404
9. Of those claims identified in question 1, the number of claims which were closed/ settled <u>after issue of proceedings</u>	1,149	1,139	951	927	838
10. Of those claims identified in question 9, the total damages, claimant costs and defendant costs associated with these claims					
a) Total Damages Paid	13,711,144	13,604,574	11,860,915	11,326,729	9,772,114
b) Claimant Costs	44,629,045	42,344,353	35,361,873	36,808,791	33,725,827
c) Defendant Costs	11,804,931	12,247,201	10,368,294	10,611,773	9,801,136
11. Of those claims identified in question 9, the number of claims where claimant costs exceeded damages	1,062	1,045	871	865	791
12. Of those claims identified in question 9, the average time between claim notification and claim settlement (Days)	751	774	777	770	764