NHS Resolution

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November 2023
FOI_6256

The following information was requested on 30 October 2023:

Follow up to – [FOI_6200_Litigants-in-person.pdf (resolution.nhs.uk)]

For each of the four tables provided, please would you also be able to provide the following:

- *A breakdown of the data by each individual year (i.e. data for 2018/19, 2019/20, 2020/21, 2021/22 and 2022/23)*
- *As well as the data for each individual damages band/ tranche, for each table could you also include a further row which provides the data for all damages bands (e.g. for table 2, which covers unrepresented claimants, a further row covering the average amount of compensation for all Successful Clinical Claims)*

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.

Due to the way in which the data is extracted, it is also possible that the same claim may appear more than once in a claims volume dataset, across different year groups e.g., where the case has been closed (as unsuccessful), challenged, reopened and closed again at conclusion. This means information about volume of claims is most consistent with the data provided in each of our annual reports and accounts for the requested financial years. However, for average damages each claim reflects the data as at the end of the most recent financial year (31 March 2023). This ensures the average damages data is calculated using each claim only once, based on the most recent annual data set.

Table 1 shows: - Number of Clinical Claims Closed (or settled with a PPO) between financial years 2018/19 - 2022/23 where the claimant is **unrepresented** with a damages payment. Broken down by year & damages tranches.

Table 2 shows: - Average amount of compensation for Clinical Claims Closed (or settled with a PPO) between financial years 2018/19 - 2022/23 where the claimant is **unrepresented** with a damages payment. Broken down by year & damages tranches.

Table 3 shows: - Number of Clinical Claims Closed (or Settled as a PPO) between financial years 2018/19 - 2022/23 where the claimant is **represented** with a damages payment. Broken down by year & damages tranches.

Table 4 shows: - Average amount of compensation for Clinical Claims Closed (or settled as a PPO) between financial years 2018/19 - 2022/23 where the claimant is **represented** with a damages payment. Broken down by year & damages tranches.

Claims are included in the 'unrepresented' data set if the claimant was unrepresented in the year of closure (or settlement as PPO).

PPOs -

For both claims involving a periodic payment order (PPO) and those that do not, the information disclosed about average damages includes damages paid up to 31 March 2023.

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 and any PPO damages paid up to the end of the most recent financial year. It does not include PPO damages, which have been committed to, but due to be paid after 31 March 2023.

Low Figures

Please note we have supressed low figures (any values attributed to fewer than 5 claims) 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 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.

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.

Please refer to Understanding NHS Resolution data guidance for further details on how our Claims database is categorised.

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# 6256
Data correct as at the end of every financial year for Tables 1 and 3
Data correct as at the end of the most recent financial year for Tables 2 and 4

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.

Freedom of Information Request# 6256
Data correct as at The end of every financial year

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Table 1: Number of Successful Clinical Claims Closed between financial years 2018/19 and 2022/23 where the claimant is unrepresented.

FOI View	Closed Settled
Claim_Outcome	Successful
LIP Flag	Pursued by litigant in person

Closed/PPO_Settled_Year	Latest Damages Tranche	Total
2018/19	£100,001-£250,000	#
	£50,001-£100,000	7
	£25,001-£50,000	9
	£1,501-£25,000	127
	£1-£1,500	45
2019/20	£2,000,001-£4,249,999	#
	£100,001-£250,000	#
	£50,001-£100,000	9
	£25,001-£50,000	9
	£1,501-£25,000	120
	£1-£1,500	55
2020/21	£500,001-£1,000,000	#
	£250,001-£500,000	#
	£100,001-£250,000	#
	£50,001-£100,000	#
	£25,001-£50,000	10
	£1,501-£25,000	125
	£1-£1,500	38
2021/22	£500,001-£1,000,000	#
	£100,001-£250,000	#
	£50,001-£100,000	7
	£25,001-£50,000	14
	£1,501-£25,000	105
	£1-£1,500	43
2022/23	£100,001-£250,000	#
	£50,001-£100,000	7
	£25,001-£50,000	17
	£1,501-£25,000	120
	£1-£1,500	33
Grand Total		**917**

Freedom of Information Request# 6256
Data correct as at the end of the most recent financial year

Table 2: Average amount of compensation of Successful Clinical Claims Closed between financial years 2018/19 and 2022/23 where the claimant is unrepresented.

Claim_Outcome	Successful
LIP Flag	Pursued by litigant in person

Closed/PPO_Settled_Year	LatestDamagesTranche	Average of Damages Paid
2018/19	£100,001-£250,000	#
	£50,001-£100,000	74,193
	£25,001-£50,000	35,421
	£1,501-£25,000	8,375
	£1-£1,500	832
Average Damages Paid for 2018/19		11,086
2019/20	£100,001-£250,000	#
	£50,001-£100,000	#
	£25,001-£50,000	36,813
	£1,501-£25,000	8,904
	£1-£1,500	746
Average Damages Paid for 2019/20		11,505
2020/21	£500,001-£1,000,000	#
	£250,001-£500,000	#
	£100,001-£250,000	#
	£50,001-£100,000	#
	£25,001-£50,000	41,559
	£1,501-£25,000	8,716
	£1-£1,500	813
Average Damages Paid for 2020/21		16,624
2021/22	£500,001-£1,000,000	#
	£100,001-£250,000	#
	£50,001-£100,000	80,740
	£25,001-£50,000	33,308
	£1,501-£25,000	7,984
	£1-£1,500	840
Average Damages Paid for 2021/22		16,331
2022/23	£100,001-£250,000	#
	£50,001-£100,000	67,271
	£25,001-£50,000	35,422
	£1,501-£25,000	8,536
	£1-£1,500	758
Average Damages Paid for 2022/23		14,502
Average Grand Total		**13,931**

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Data correct as at The end of every financial year

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Table 3: Number of Successful Clinical Claims Closed with a damages payment or Settled with a periodical payment order between financial years 2018/19 and 2022/23 where the claimant is represented.

FOI View	Closed Settled
Claim_Outcome	Successful
LIP Flag	Not pursued by litigant in person

Closed/PPO_Settled_Year	LatestDamagesTranche	Total
2018/19	£4,250,000+	158
	£2,000,001-£4,249,999	48
	£1,000,001-£2,000,000	84
	£500,001-£1,000,000	145
	£250,001-£500,000	224
	£100,001-£250,000	520
	£50,001-£100,000	687
	£25,001-£50,000	1,109
	£1,501-£25,000	3,612
	£1-£1,500	234
Total number of Claims for 2018/19		6,821
2019/20	£4,250,000+	110
	£2,000,001-£4,249,999	55
	£1,000,001-£2,000,000	87
	£500,001-£1,000,000	181
	£250,001-£500,000	246
	£100,001-£250,000	580
	£50,001-£100,000	765
	£25,001-£50,000	1,164
	£1,501-£25,000	3,991
	£1-£1,500	269
Total number of Claims for 2019/20		7,448
2020/21	£4,250,000+	120
	£2,000,001-£4,249,999	55
	£1,000,001-£2,000,000	85
	£500,001-£1,000,000	146
	£250,001-£500,000	291
	£100,001-£250,000	610
	£50,001-£100,000	765
	£25,001-£50,000	1,029
	£1,501-£25,000	3,190
	£1-£1,500	197
Total number of Claims for 2020/21		6,488
2021/22	£4,250,000+	110
	£2,000,001-£4,249,999	67
	£1,000,001-£2,000,000	132
	£500,001-£1,000,000	200
	£250,001-£500,000	393
	£100,001-£250,000	714
	£50,001-£100,000	978
	£25,001-£50,000	1,220
	£1,501-£25,000	3,635
	£1-£1,500	197
Total number of Claims for 2021/22		7,646
2022/23	£4,250,000+	149
	£2,000,001-£4,249,999	60
	£1,000,001-£2,000,000	88
	£500,001-£1,000,000	211
	£250,001-£500,000	319
	£100,001-£250,000	697
	£50,001-£100,000	904
	£25,001-£50,000	1,188
	£1,501-£25,000	3,588
	£1-£1,500	215
Total number of Claims for 2022/23		7,419
Grand Total		**35,822**

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Data correct as at the end of the most recent financial year

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Table 4: Average amount of compensation of Successful Clinical Claims Closed with a damages payment or Settled with a periodical payment order between financial years 2018/19 and 2022/23 where the claimant is represented.

Claim_Outcome	Successful
LIP Flag	Not pursued by litigant in person

Closed/PPO_Settled_Year	LatestDamagesTranche	Average of Damages Paid
2018/19	£4,250,000+	4,912,159
	£2,000,001-£4,249,999	2,321,525
	£1,000,001-£2,000,000	1,322,996
	£500,001-£1,000,000	711,928
	£250,001-£500,000	359,012
	£100,001-£250,000	159,710
	£50,001-£100,000	73,151
	£25,001-£50,000	36,879
	£1,501-£25,000	11,195
	£1-£1,500	1,149
Average Damages Paid for 2018/19		222,478
2019/20	£4,250,000+	5,052,617
	£2,000,001-£4,249,999	2,352,501
	£1,000,001-£2,000,000	1,340,833
	£500,001-£1,000,000	695,444
	£250,001-£500,000	359,393
	£100,001-£250,000	159,275
	£50,001-£100,000	72,745
	£25,001-£50,000	37,191
	£1,501-£25,000	11,160
	£1-£1,500	1,198
Average Damages Paid for 2019/20		184,744
2020/21	£4,250,000+	4,992,170
	£2,000,001-£4,249,999	2,391,068
	£1,000,001-£2,000,000	1,361,461
	£500,001-£1,000,000	675,696
	£250,001-£500,000	353,566
	£100,001-£250,000	161,321
	£50,001-£100,000	72,910
	£25,001-£50,000	37,005
	£1,501-£25,000	11,491
	£1-£1,500	1,116
Average Damages Paid for 2020/21		206,315
2021/22	£4,250,000+	5,757,169
	£2,000,001-£4,249,999	2,341,238
	£1,000,001-£2,000,000	1,369,980
	£500,001-£1,000,000	708,467
	£250,001-£500,000	363,562
	£100,001-£250,000	159,030
	£50,001-£100,000	72,930
	£25,001-£50,000	37,077
	£1,501-£25,000	11,490
	£1-£1,500	1,089
Average Damages Paid for 2021/22		209,785
2022/23	£4,250,000+	5,085,262
	£2,000,001-£4,249,999	2,524,414
	£1,000,001-£2,000,000	1,342,043
	£500,001-£1,000,000	714,947
	£250,001-£500,000	354,834
	£100,001-£250,000	162,077
	£50,001-£100,000	71,706
	£25,001-£50,000	37,262
	£1,501-£25,000	11,368
	£1-£1,500	1,158
Average Damages Paid for 2022/23		209,517
Average Grand Total		**206,383**