



Resolution

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December 2023

FOI_6260

The following information was requested on 1 November 2023:

2 separate requests for –

Request 1 – Cerebral Palsy or Brain Damage settlements/awards against NHS defendants concluded between January 2014 and September 2023 inclusive with a damages payment at or over **£22 million** or where the capitalised value is at or over **£22 million**

NHS Resolution have or have access to the following information

The information is:

The total number of claims against NHS defendants where the primary injury was Cerebral Palsy or Brain Damage which concluded between January 2014 and September 2023 inclusive with a damages payment at or over £22 million, or where the capitalised value was at or over £22 million

Request 2 – Cerebral Palsy or Brain Damage settlements/awards against NHS defendants concluded between January 2014 and September 2023 inclusive with a damages payment at or over **£23 million** or where the capitalised value is at or over **£23 million**

NHS Resolution have or have access to the following information

The information is:

The total number of claims against NHS defendants where the primary injury was Cerebral Palsy or Brain Damage which concluded between January 2014 and September 2023 inclusive with a damages payment at or over £23 million, or where the capitalised value was at or over £23 million

Our Response

Please find attached the requested information. The information provided covers the financial period 2013/14 - 2022/23. We are able to provide information in relation to complete financial years.

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 note that the data attached relates to claims where **any** of the injury fields relates to Cerebral Palsy or Brain Damage. We believe that this provides a more accurate picture and is inline with our published documents. This information is therefore, not comparable to the following requests (which are based on the primary injury):

[FOI 5250 Cerebral-Palsy-or-Brain-Damage-payments-over-15-million.pdf \(resolution.nhs.uk\)](#)

[FOI 5251 Cerebral-Palsy-or-Brain-Damage-payments-over-20million.pdf \(resolution.nhs.uk\)](#)

[FOI 5255 Cerebral-Palsy-or-Brain-Damage-payments-over-25million.pdf \(resolution.nhs.uk\)](#)

Table 1 shows: - Number of Clinical Claims closed (or settled as PPO's) between financial years 2013/14 and 2022/23, where any injury is Cerebral Palsy or Brain Damage, with damages paid or where the capitalised value is over £22 million.

Table 2 shows: - Number of Clinical Claims closed (or settled as PPO's) between financial years 2013/14 and 2022/23, where any injury is Cerebral Palsy or Brain Damage, with damages paid or where the capitalised value is over £23 million.

PPOs

The information disclosed includes some claims which have a Periodical payment order (PPO), which is an agreement between the parties for payment of an initial lump sum and regular future payments covering the injured party's ongoing care needs, usually for life. The amount reserved against the claim will include an estimate of the capitalised value of future payments based on the injured party's life expectancy as at the date of settlement.

The value used for identifying claims relevant to this response was the total damages paid as at the end of the closure year, or for claims involving a PPO, the total paid damages and estimated future liability as at the end of the settlement year. No adjustments to capitalised value after settlement year for PPO matters are reflected in this analysis (for example if the claimant died earlier than expected or has lived longer than reflected in the estimated capitalised value).

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.

Table 1: Number of Clinical Claims Closed, or settled as PPOs, between financial years 2013/14 and 2022/23, with a damages payment, where any injury is Cerebral Palsy or Brain damage and the capitalised value is over £22m.

Table 2: Number of Clinical Claims Closed, or settled as PPOs, between financial years 2013/14 and 2022/23, with a damages payment, where any injury is Cerebral Palsy or Brain damage and the capitalised value is over £23m.

Table 1: Number of Clinical Claims Closed, or settled as PPOs, between financial years 2013/14 and 2022/23, with a damages payment, where any injury is Cerebral Palsy or Brain damage and the capitalised value is over £22m.

FOI View	Closed Settled
scheme	(Multiple Items)
Claim_Outcome	Successful
22 Million Damage Reserve or above	1

Year of Closure (Settlement Year for PPOs)	No. of Claims
2016/17	#
2017/18	16
2018/19	18
2019/20	11
2020/21	5
2021/22	11
2022/23	16

Table 2: Number of Clinical Claims Closed, or settled as PPOs, between financial years 2013/14 and 2022/23, with a damages payment, where any injury is Cerebral Palsy or Brain damage and the capitalised value is over £23m.

FOI View	Closed Settled
scheme	(Multiple Items)
Claim_Outcome	Successful
23 Million Damage Reserve or above	1

Year of Closure (Settlement Year for PPOs)	No. of Claims
2016/17	#
2017/18	13
2018/19	10
2019/20	8
2020/21	#
2021/22	8
2022/23	11