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February 2024
FOI_6368

The following information was requested on 18 January and clarified on 5 February 2024:

Can you please provide the following information under the Freedom of Information Act:

1. The total number of claims settled by NHS Resolution with a payment of damages and/ or a periodical payment order (PPO), broken down by the following settlement tranches (up to £1.97 million, £1.97 million +)
2. A breakdown of your response to question 1 by the number of claims which included a PPO as part of the settlement
3. A breakdown of your response to question 1 by the age tranche of the claimant at the time of the incident (0-17 years, 18 years – 39 years, 40 years +)
4. A breakdown of your response to question 2 by the age tranche of the claimant at the time of the incident (0-17 years, 18 years – 39 years, 40 years +)
5. A breakdown of your response to question 1 by the age tranche of the claimant at the time of the settlement (0-17 years, 18 years – 39 years, 40 years+)
6. A breakdown of your response to question 2 by the age tranche of the claimant at the time of the settlement (0-17 years, 18 years – 39 years, 40 years+)

Can you please provide the above information for the following years:

- *2019/20*
- *2020/21*
- *2021/22*
- *2022/23*

By way of background, NHSR has previously provided similar information. For your reference, see FOI_5041_Payment-of-Damages.pdf (resolution.nhs.uk)

[We sought clarification on 5 February 2024]

Thank you for your request for information. Please can I clarify the following in respect of your request:

In terms of Q3 – 6 where you refer to the age of the claimant, do you mean the age of the patient or the injured party?

[You replied on 5 February 2024]

Yes, by claimant I mean the person who has been injured and who the claim is being made on behalf of.

Our Response

Please find attached the requested information we are able to provide. This information only covers England and not the rest of the UK.

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 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 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 data is extracted, it is also possible that the same claim may appear more than once in a dataset, across different year groups e.g. where the case has been closed (as nil damages payment), challenged, reopened and closed again at conclusion.

Please also note that the data shows a variation in the number of claims closed or settled as a PPO during this period. This is a reflection of the nature of individual claims received by NHS Resolution, which can vary significantly. As such, these fluctuations cannot be interpreted as trends.

Table 1 shows: - Number of Claims Closed (or settled with a periodical payment order) between financial years 2019/20 and 2022/23 with a damages payment, broken down by Damages Tranche, for all claimant ages. 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.

Table 2 shows: - Number of Claims Closed (or settled with a periodical payment order) between financial years 2019/20 and 2022/23 with a damages payment, broken down by whether the claim is a PPO, for all claimant ages. 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.

Table 3 shows: - Number of Claims Closed (or settled with a periodical payment order) between financial years 2019/20 and 2022/23 with a damages payment, broken down by Age of the injured party **at the date of incident** and Damages Tranche. 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.

Table 4 shows: - Number of Claims Closed (or settled with a periodical payment order) between financial years 2019/20 and 2022/23 with a damages payment, broken down by Age of the injured party **at the date of incident** and by whether the claim is a PPO. 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.

Table 5 shows: - Number of Claims Closed (or settled with a periodical payment order) between financial years 2019/20 and 2022/23 with a damages payment, broken down by Age of the injured party **at the date of Settlement** and by Damages Tranche. 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.

Table 6 shows: - Number of Claims Closed (or settled with a periodical payment order) between financial years 2019/20 and 2022/23 with a damages payment, broken down by Age of the injured party **at the date of Settlement** and by whether the claim is a PPO. 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

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.

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, Head of Corporate and Information Governance 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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Data correct as at: The end of every financial year

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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.

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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 of Claims Closed (or settled with a periodical payment order) between financial years 2019/20 and 2022/23 with a damages payment broken down by Damages Tranche, for all claimant ages. 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 --Damages Tranche	No. of Claims
2019/20	
Up to 1.97 Million	9,327
1.97 Million +	173
2020/21	
Up to 1.97 Million	8,166
1.97 Million +	177
2021/22	
Up to 1.97 Million	9,025
1.97 Million +	182
2022/23	
Up to 1.97 Million	8,965
1.97 Million +	213
Grand Total	**36,228**

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Table 2: Number of Claims Closed (or settled with a periodical payment order) between financial years 2019/20 and 2022/23 with a damages payment, broken down by whether the claim is a PPO, for all claimant ages. 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 --Is the claim a PPO case?	No. of Claims
2019/20	
No	9,362
Yes	138
2020/21	
No	8,221
Yes	122
2021/22	
No	9,102
Yes	105
2022/23	
No	9,045
Yes	133
Grand Total	**36,228**

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Table 3: Number of Claims Closed (or settled with a periodical payment order) between financial years 2019/20 and 2022/23 with a damages payment, broken down by Age at Incident and Damages Tranche. 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 --Damages Tranche	Age at Incident 0 - 17	18 - 39	40 +	Grand Total
2019/20				
Up to 1.97 Million	630	2,645	6,052	9,327
1.97 Million +	123	19	31	173
2020/21				
Up to 1.97 Million	474	2,332	5,360	8,166
1.97 Million +	125	29	23	177
2021/22				
Up to 1.97 Million	606	2,579	5,840	9,025
1.97 Million +	100	35	47	182
2022/23				
Up to 1.97 Million	587	2,509	5,869	8,965
1.97 Million +	145	31	37	213
Grand Total	**2,790**	**10,179**	**23,259**	**36,228**

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Table 4: Number of Claims Closed (or settled with a periodical payment order) between financial years 2019/20 and 2022/23 with a damages payment, broken down by Age at Incident and whether the claim is a PPO. 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 --Is the claim a PPO case?	Age At Incident 0 - 17	18 - 39	40 +	Grand Total
2019/20				
No	645	2,659	6,058	9,362
Yes	108	5	25	138
2020/21				
No	503	2,350	5,368	8,221
Yes	96	11	15	122
2021/22				
No	628	2,605	5,869	9,102
Yes	78	9	18	105
2022/23				
No	627	2,533	5,885	9,045
Yes	105	7	21	133
Grand Total	**2,790**	**10,179**	**23,259**	**36,228**

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Table 5: Number of Claims Closed (or settled with a periodical payment order) between financial years 2019/20 and 2022/23 with a damages payment, broken down by Age at Settlement and Damages Tranche. 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

No. of Claims	Age at Settlement			
Closure/Settlement Year for PPOs --Damages Tranche	0 - 17	18 - 39	40 +	Grand Total
2019/20				
Up to 1.97 Million	370	2,177	6,780	9,327
1.97 Million +	96	35	42	173
2020/21				
Up to 1.97 Million	271	1,898	5,997	8,166
1.97 Million +	92	46	39	177
2021/22				
Up to 1.97 Million	363	2,106	6,556	9,025
1.97 Million +	75	38	69	182
2022/23				
Up to 1.97 Million	338	2,010	6,617	8,965
1.97 Million +	121	37	55	213
Grand Total	**1,726**	**8,347**	**26,155**	**36,228**

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Table 6: Number of Claims Closed (or settled with a periodical payment order) between financial years 2019/20 and 2022/23 with a damages payment, broken down by Age at Settlement and whether the claim is a PPO. 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

	Age At Settlement			
Closure/Settlement Year for PPOs --Is the claim a PPO case?	0 - 17	18 - 39	40 +	Grand Total
2019/20				
No	379	2,189	6,794	9,362
Yes	87	23	28	138
2020/21				
No	291	1,912	6,018	8,221
Yes	72	32	18	122
2021/22				
No	380	2,120	6,602	9,102
Yes	58	24	23	105
2022/23				
No	369	2,029	6,647	9,045
Yes	90	18	25	133
Grand Total	**1,726**	**8,347**	**26,155**	**36,228**