



Resolution

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May 2024
FOI_6494

The following information was requested on 13 April 2024:

Can you please provide me with a percentage difference, in both value and volume, for claims processed through the CNST scheme), for a) clinical negligence in relation to psychiatric treatment by the NHS in England, and b) clinical negligence that is not included in description a?

I would appreciate this being provided in a simple table format, on a year-on-year basis, since the scheme was first launched.

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 that our reports will not be comparable to that obtained from other organisations as the methodology for producing the reports is not the same.

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.

For an explanation of the schemes referred to please visit our webpage here: [Clinical schemes - NHS Resolution](#)

Table 1 shows: -. The percentage of number (volume) of Claims for the specialty 'Psychiatry/ Mental Health' against all CNST claims vs. the percentage of number (volume) of claims for all CNST claims excluding where the specialty is 'Psychiatry/ Mental Health'. These claims were closed (or settled with a periodical payment order) between 2006/07 and 2022/23.

Table 2 shows: - The percentage of damages and legal costs paid for the specialty 'Psychiatry/ Mental Health' against all CNST claims vs. the percentage of number of

damages and legal costs paid for all CNST claims excluding where the specialty is 'Psychiatry/ Mental Health'. These claims were closed (or settled with a periodical payment order) between 2006/07 and 2022/23. The data includes the damages and legal costs paid up until 2022/23, 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. The information disclosed includes lump sum damages, costs and any PPO damages paid out in each of the relevant financial 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](#), 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: The percentage of number (volume) of Claims for the specialty 'Psychiatry/ Mental Health' against all CNST claims vs. the percentage of number (volume) of claims for all CNST claims excluding where the specialty is 'Psychiatry/ Mental Health'. These claims were closed (or settled with a periodical payment order) between 2006/07 and 2022/23.

Table 2: The percentage of damages and legal costs paid for the specialty 'Psychiatry/ Mental Health' against all CNST claims vs. the percentage of number of damages and legals costs paid for all CNST claims excluding where the specialty is 'Psychiatry/ Mental Health'. These claims were closed (or settled with a periodical payment order) between 2006/07 and 2022/23. The data includes the damages and legal costs paid up until 2022/23, or for PPO matters, year of settlement.

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FOI View	Closed Settled
scheme	CNST
Claim_Outcome	(All)

Year of Closure (Settlement Year for PPOs)	Specialty	
	Psychiatry/ Mental Health	All other CNST Specialties
2006/07	2%	98%
2007/08	3%	97%
2008/09	2%	98%
2009/10	2%	98%
2010/11	2%	98%
2011/12	2%	98%
2012/13	2%	98%
2013/14	2%	98%
2014/15	2%	98%
2015/16	2%	98%
2016/17	2%	98%
2017/18	2%	98%
2018/19	2%	98%
2019/20	2%	98%
2020/21	2%	98%
2021/22	3%	97%
2022/23	3%	97%
Grand Total	2%	98%

Table 2: The percentage of damages and legal costs paid for the specialty 'Psychiatry/ Mental Health' against all CNST claims vs. the percentage of number of damages and legal costs paid for all CNST claims excluding where the specialty is 'Psychiatry/ Mental Health'. These claims were closed (or settled with a periodical payment order) between 2006/07 and 2022/23. The data includes the damages and legal costs paid up until 2022/23, or for PPO matters, year of settlement.

scheme	CNST
Claim_Outcome	(All)

Year of Closure (Settlement Year for PPOs)	Specialty Psychiatry/ Mental Health	All other CNST Specialties
2006/07	1%	99%
2007/08	2%	98%
2008/09	1%	99%
2009/10	1%	99%
2010/11	2%	98%
2011/12	2%	98%
2012/13	2%	98%
2013/14	2%	98%
2014/15	2%	98%
2015/16	1%	99%
2016/17	1%	99%
2017/18	2%	98%
2018/19	1%	99%
2019/20	2%	98%
2020/21	2%	98%
2021/22	2%	98%
2022/23	2%	98%
Grand Total	2%	98%