NHS Resolution

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July 2024
FOI_6658

The following information was requested on 15 July 2024:

I am looking for information on negligence claims in primary care, specifically:
1. The number of cases under the CNSGP scheme over the last three years
2. The amount of money paid in damages under the CNSGP over the last three years
3. The total cost of claims to the NHS including legal costs on both sides.

Our Response

Thank you for your request for information. We are able to provide the information in 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.

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 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 unsuccessful), challenged, reopened and closed again at conclusion.

The individual nature of claims received by NHS Resolution means they can vary significantly in value and any such fluctuations cannot be interpreted as trends**.** In relation to CNSGP claims, the increase in reported claims is in line with what we would expect from a maturing scheme that covers clinical negligence liabilities in relation to incidents that occurred on or after 1 April 2019. The time lag between incident and reporting means that we are now more steadily receiving claims relating to incidents which occurred after the date the scheme began. For more information on our schemes please see our website: Home - NHS Resolution.

Table 1 shows: - Number of **CNSGP** Claims and Incidents received between financial years '2021/22' and '2023/24'.

Table 2 shows: - Number and cost of **CNSGP** Claims Closed between financial years '2021/22' and '2023/24' with a damages payment. The data includes the damages and legal costs paid up until the end of each relevant financial year.

Table 3 shows: - Number and Cost of **CNSGP** Claims Closed between financial years '2021/22' and '2023/24' with **NIL** damages paid.

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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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.

Table 1: Number of CNSGP Claims and Incidents received between financial years '2021/22' and '2023/24'.

Table 2: Number and cost of CNSGP Claims Closed between financial years '2021/22' and '2023/24' with a damages payment. The data includes the damages and legal costs paid up until the end of each relevant financial year.

Table 3: Number and Cost of CNSGP Claims Closed between financial years '2021/22' and '2023/24' with NIL damages paid.

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Table 1: Number of CNSGP Claims and Incidents received between financial years ‘2021/22’ and ‘2023/24’.

Notified	Y
scheme	CNSGP

Year of Notification	No. of Claims
2021/22	1,502
2022/23	2,180
2023/24	2,382
Grand Total	**6,064**

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Table 2: Number and cost of CNSGP Claims Closed between financial years '2021/22' and '2023/24' with a damages payment. The data includes the damages and legal costs paid up until the end of each relevant financial year.

ClosedSettled	Y
scheme	CNSGP
Claim_Outcome	Damages Paid

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2021/22	67	340,111	115,623	402,987	858,720
2022/23	175	2,077,480	500,628	2,502,231	5,080,338
2023/24	269	5,671,190	942,357	5,835,861	12,449,408
Grand Total	**511**	**8,088,780**	**1,558,607**	**8,741,079**	**18,388,466**

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Table 3: Number and Cost of CNSGP Claims Closed between financial years '2021/22' and '2023/24' with NIL damages paid.

ClosedSettled	Y
scheme	CNSGP
Claim_Outcome	Nil Damages

Year of Closure (Settlement Year for PPOs)	No. of Claims	NHS Legal Costs Paid	Claimant Legal Costs Paid
2021/22	950	341,924	0
2022/23	1,495	762,875	0
2023/24	1,725	1,174,044	10,500
Grand Total	**4,170**	**2,278,844**	**10,500**