



Resolution

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October 2024
FOI_6765

The following information was requested on 25 September 2024:

Could you please provide details of how much NHS trusts have spent on legal representation in coroner's inquests between 2013/14 and 2023/24.

If possible, I would like to have this information broken down into a year-by-year format.

Our Response

Thank you for your request for information.

For the 11-year financial period between 1 April 2013 and 31 March 2024, a total of £18,672,234 was paid in accordance with the rules of the [Clinical Negligence Scheme for Trusts](#) to support trusts at inquests and for associated costs to investigate entitlement to compensation. NHS Resolution has no involvement in any arrangements that an individual trust might make outside of the scheme.

During the same period, payments will also have been made towards costs incurred by families at inquests where these are connected with investigations which lead to a subsequent compensation award. The costs incurred by families will not be included in the figures provided as we are unable to capture them separately as they are integral to the overall claims process.

Central funding available varies year-on-year, depending on the number of claims received, inquests relating to those claims and the timings of payments and settlements.

In terms of inquest costs, we only pay those that are deemed payable under our indemnity scheme operating procedures, where they are linked directly to a claim. Trusts can fund inquests themselves in many ways, either by their own legal department or via independent arrangements with external lawyers.

As to how trusts record this information, we would expect that individual trust legal departments would hold this information.

Please note: Between 2013/14 and 2017/18 there were issues with the way in which inquest cost payments were coded with some large adjustments made in 2015/16 and 2017/18. Although the overall amount between 2013/14 and 2023/24 is correct, the pattern of payments by year will not be correct due to the required adjustments made and should not therefore be interpreted as an indication of the volume or cost of inquests notified to NHS Resolution. Please find attached a table with the yearly breakdown.

In order to provide the correct breakdown by year we would need to interrogate individual case files. Therefore, we estimate that the cost of complying with the request in its entirety would exceed the 'appropriate limit.' Section 12(1) of the Freedom of Information Act 2000 is a provision which allows a public authority to refuse to comply with a request for information where the cost of compliance is estimated to exceed a set limit (known as the 'appropriate limit'). The 'appropriate limit' for NHS Resolution is £450. This equates to 18 hours of work at the rate of £25 per hour set out in the 'Fees Regulations'.

We have provided the information that is readily available in the attached table.

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 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: All Payments raised for CNST claims between financial years 2013/14 and 2023/24 where the payment type name is 'DC - Inquests Costs'.](#)

Table 1: All Payments raised for CNST claims between financial years 2013/14 and 2023/24 where the payment type name is 'DC - Inquests Costs'.

Payment Raised Year	Net Amount
2013/14	901,635
2014/15	139,665
2015/16	3,020,805
2016/17	776,405
2017/18	2,233,269
2018/19	2,846,324
2019/20	2,204,536
2020/21	1,612,951
2021/22	1,539,058
2022/23	1,615,510
2023/24	1,782,076
Grand Total	18,672,234