



Resolution

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November 2024
FOI_6785

The following information was requested on 4th October 2024:

I am writing to request information under the Freedom of Information Act 2000 regarding certain key metrics related to Litigants in Person (LIPs) and general case management data. Specifically, I am seeking to understand whether the data outlined below has been incorporated into NHS Resolution's Management Information (MI) reports to the Board, as suggested in a report presented to the Board several months ago.

In order to avoid any ambiguity or incomplete responses, I wish to emphasize that I am requesting the following information even if it is not reported directly to the Board. Therefore, please provide the requested data regardless of whether it is part of the formal MI report to the Board or collected for internal purposes or held in any other form by NHS Resolution.

Please provide the following information:

1. Number of Cases Handled

- a) Have the total number of cases involving Litigants in Person (LIPs) and the percentage of total cases that involve LIPs been incorporated into the Board's MI reports?*
- b) If this information is not reported to the Board, please still provide the total number of LIPs cases handled by NHS Resolution and the percentage of total cases that involve LIPs.*
- c) Please provide the general number of cases and percentage breakdown for all types of cases handled, even if not reported to the Board.*

2. Average Duration of Cases

- a) Is there a metric in the Board's MI reports detailing the average time taken from the initial claim to resolution for LIPs cases?*
- b) If this information is not included in Board reports, please still provide the average duration of cases for LIPs.*
- c) Provide general data on the average duration of cases (with and without LIPs) even if not specifically reported to the Board.*

3. Number of Complaints from LIPs

- a) Have the total number of complaints received from LIPs, their nature, resolution rate, and time to resolve these complaints been included in MI reports?*

- b) If this data is not provided to the Board, please still provide the total number of complaints from LIPs, the nature of these complaints, and the resolution rates from your records.*
- c) Provide general complaints data, including the resolution rates and time taken to resolve, even if not reported to the Board.*

4. Response Times

- a) Is the average response time to LIPs' queries and complaints included in MI reports, along with the percentage of responses meeting timeliness standards?*
- b) If this is not reported to the Board, please still provide average response times for LIPs and the percentage of responses meeting timeliness standards.*
- c) Provide general response times and compliance with timeliness standards for all cases, regardless of whether this is reported to the Board.*

5. Initial Contact by Telephone

- a) Have metrics detailing the percentage of LIPs contacted by telephone at the outset of their claim and the average time from submission to first contact been reported to the Board?*
- b) If not reported to the Board, please provide the data on telephone contact for LIPs from internal records.*
- c) Provide general data on initial contact times for all cases, even if not reported to the Board.*

6. Transparency Metrics

- a) Are there metrics on instances of non-disclosure or lack of transparency in LIPs cases, and on the disclosure of expert evidence, included in Board reports?*
- b) If this is not included in Board reports, please provide this information from internal records for LIPs cases.*
- c) Provide general transparency data on non-disclosure and evidence disclosure, even if not reported to the Board.*

7. Compliance with NHS Resolution Principles

- a) Are MI reports tracking the number and percentage of LIPs cases adhering to NHS Resolution's principles of efficiency, fairness, and transparency, and any audits or reviews conducted to ensure compliance?*
- b) If this data is not reported to the Board, please provide compliance data for LIPs cases from your internal records.*
- c) Provide general data on case compliance with NHS Resolution principles, even if not reported to the Board.*

8. Financial Metrics

- a) Have financial metrics showing legal fees incurred for LIPs cases, potential savings from improved processes, and cost-benefit analysis of early expert evidence disclosure been included in MI reports?*
- b) If not included in Board reports, please provide financial metrics for LIPs cases from internal records.*
- c) Provide general financial data, including costs and potential savings from improved case management, even if not reported to the Board.*

9. Training and Support

- a) Have metrics been included in the MI reports about the number of in-panel lawyers trained on handling LIPs cases and assessments of training effectiveness?*
- b) If this is not reported to the Board, please provide internal data on the training provided and its impact on LIPs cases.*
- c) Provide general training data and its effectiveness, even if not reported to the Board.*

10. Feedback and Improvement

- a) Is feedback received from LIPs regarding their experience and satisfaction tracked in MI reports, along with actions taken to improve the management of LIPs cases?*
- b) If this feedback is not reported to the Board, please provide internal data on LIPs feedback and actions taken in response.*
- c) Provide general feedback data from claimants, as well as actions taken to improve case management, even if this is not reported to the Board.*

Please provide the above information in electronic format. If any of the requested information is not held, please provide an explanation and any related information that can be provided. Additionally, I emphasize that I seek this information from all internal records and systems, whether or not it is part of formal Board reporting.

[On 30 October 2024 we contacted you to seek the following clarification]:

I hope you are well.

We are working on responding to your request below.

Please, can you confirm the date range for Question 2 (b) and (c)? We can provide data in financial years.

[You responded on 30 October 2024 with]

I am happy with five years of data, provided in financial years

Our Response

1. Number of Cases Handled

- a) Have the total number of cases involving Litigants in Person (LIPs) and the percentage of total cases that involve LIPs been incorporated into the Board's MI reports?*
- b) If this information is not reported to the Board, please still provide the total number of LIPs cases handled by NHS Resolution and the percentage of total cases that involve LIPs.*
- c) Please provide the general number of cases and percentage breakdown for all types of cases handled, even if not reported to the Board.*

In terms of Question 1 of your request, we assume that it is in relation to the number of claims submitted by Litigant in Persons (LIPs – these are claimants without

independent legal representation). This is not reported to the Board as a metric in isolation. LIP cases are included in overall reported case numbers – please see our [Annual Report and Accounts for details for 2023/24](#).

In terms of the number of claims submitted by litigants in person that NHS Resolution deals with please find attached table 1 which shows: - Number of claims and incidents received between financial years '2019/20' and '2023/24', broken down by legal representation. Please note that some claims will commence with legal representation and then become LiP and others will follow the opposite path. Therefore, at any given stage in time whether a claim is from and LiP or not will vary.

2. Average Duration of Cases

- a) Is there a metric in the Board's MI reports detailing the average time taken from the initial claim to resolution for LIPs cases?*
- b) If this information is not included in Board reports, please still provide the average duration of cases for LIPs.*
- c) Provide general data on the average duration of cases (with and without LIPs) even if not specifically reported to the Board*

In terms of Q2a of your request, the average time taken from the initial claim to resolution for LIPs cases is not reported to board. In terms of 2b of your request, thank you for clarifying that you are interested in 5 years. Please find attached the requested data in Table 2 which shows: Volume and average time between notification and closure/settlement as PPO, for Claims Closed (or settled with a periodical payment order) between financial years 2019/20 and 2023/24, broken down by legal representation and claim outcome.

3. Number of Complaints from LIPs

- a) Have the total number of complaints received from LIPs, their nature, resolution rate, and time to resolve these complaints been included in MI reports?*
- b) If this data is not provided to the Board, please still provide the total number of complaints from LIPs, the nature of these complaints, and the resolution rates from your records.*
- c) Provide general complaints data, including the resolution rates and time taken to resolve, even if not reported to the Board.*

In terms of Q3, we do not report to the Board on LIPs specifically but are included in the metrics reported to Board generally

We are able to provide the total LIP complaints received in the last 3 financial years – (This includes claims that fall outside the corporate complaints policy)

2021/22 – 26

2022/23 – 42

2023/24 - 29

The reasons for complaints include - Delay/lack of response, claims decision/process, and actions / behaviours of NHS legal representatives.

4. Response Times

- a) Is the average response time to LIPs' queries and complaints included in MI reports, along with the percentage of responses meeting timeliness standards?*
- b) If this is not reported to the Board, please still provide average response times for LIPs and the percentage of responses meeting timeliness standards.*
- c) Provide general response times and compliance with timeliness standards for all cases, regardless of whether this is reported to the Board.*

In terms of Q4 of your request, the response time as it relates to LIPs is not reported to Board. We do not record separately the average response times for LIPs and the percentage of responses meeting timeliness standards.

5. Initial Contact by Telephone

- a) Have metrics detailing the percentage of LIPs contacted by telephone at the outset of their claim and the average time from submission to first contact been reported to the Board?*
- b) If not reported to the Board, please provide the data on telephone contact for LIPs from internal records.*
- c) Provide general data on initial contact times for all cases, even if not reported to the Board.*

In terms of Q5 of your request, this information is not reportable from our case management system.

6. Transparency Metrics

- a) Are there metrics on instances of non-disclosure or lack of transparency in LIPs cases, and on the disclosure of expert evidence, included in Board reports?*
- b) If this is not included in Board reports, please provide this information from internal records for LIPs cases.*
- c) Provide general transparency data on non-disclosure and evidence disclosure, even if not reported to the Board.*

In terms of Q6 of your request, this information is not reportable from our case management system.

7. Compliance with NHS Resolution Principles

- a) Are MI reports tracking the number and percentage of LIPs cases adhering to NHS Resolution's principles of efficiency, fairness, and transparency, and any audits or reviews conducted to ensure compliance?*
- b) If this data is not reported to the Board, please provide compliance data for LIPs cases from your internal records.*
- c) Provide general data on case compliance with NHS Resolution principles, even if not reported to the Board.*

In terms of Q7 of your request, this information is not reportable from our case management system.

8. Financial Metrics

- a) Have financial metrics showing legal fees incurred for LIPs cases, potential savings from improved processes, and cost-benefit analysis of early expert evidence disclosure been included in MI reports?*
- b) If not included in Board reports, please provide financial metrics for LIPs cases from internal records.*
- c) Provide general financial data, including costs and potential savings from improved case management, even if not reported to the Board.*

In terms of Q8 of your request, this information has not been separately reported to board and we do not hold any cost-benefit analysis of early expert evidence disclosure.

9. Training and Support

- a) Have metrics been included in the MI reports about the number of in-panel lawyers trained on handling LIPs cases and assessments of training effectiveness?*
- b) If this is not reported to the Board, please provide internal data on the training provided and its impact on LIPs cases.*
- c) Provide general training data and its effectiveness, even if not reported to the Board.*

In terms of Q9 of your request and in so far as this relates to case handlers working within NHS Resolution, these metrics are not reported to board. Training in relation to LiPs is available to all claims handling staff as part of regular development programmes and provided at induction.

10. Feedback and Improvement

- a) Is feedback received from LIPs regarding their experience and satisfaction tracked in MI reports, along with actions taken to improve the management of LIPs cases?*
- b) If this feedback is not reported to the Board, please provide internal data on LIPs feedback and actions taken in response.*
- c) Provide general feedback data from claimants, as well as actions taken to improve case management, even if this is not reported to the Board.*

In terms of Q10 of your request, this information is not held. We take learnings and feedback from many different communication streams such as complaints. We do not have a report based solely on the feedback of LIPs.

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: Number and Incidents received between financial years 2019/20 and 2023/24, broken down by legal representation.](#)

[Table 2: Volume and average time between notification and closure/settlement as PPO, for Claims Closed \(or settled with a periodical payment order\) between financial years 2019/20 and 2023/24, broken down by legal representation and claim outcome](#)

Table 1: Number of claims and Incidents received between financial years 2019/20 and 2023/24, broken down by legal representation.

Year of Notification	No. of Claims	
	Non Litigant In person	Litigant In person
2019/20	14,603	830
2020/21	15,314	793
2021/22	17,286	949
2022/23	15,613	1,090
2023/24	15,781	1,362
Grand Total	78,597	5,024

Table 2: Volume and average time between notification and closure/settlement as PPO, for Claims Closed (or settled with a periodical payment order) between financial years 2019/20 and 2023/24, broken down by legal representation and claim outcome

ClosedPPOSettledFYear (Multiple Items)

Legal Representation ---Claim Outcome	No. of Claims	Average of Notification to Closed/Settled days
Litigant In person		
Damages Paid	1,246	388
Nil Damages	3,045	426
Non Litigant In person		
Damages Paid	43,350	1,035
Nil Damages	31,349	453