NHS Resolution

8th Floor,
10 South Colonnade
Canary Wharf
London
E14 4PU
Telephone: 020 7811 2700

November 2024
FOI_6810

The following information was requested between 14 October 2024 – 15 October 2024:

[You requested the following on 14 October 2024]:

I have requested the following information from various NHS Trusts in the North-East regions, some of which have referred be to NHS Resolution. I have looked at the claims information you store online but they don't appear to be broken down into individual trusts, so please can you provide me with the following:

How many negligence claims have been made against the Trust by patients or their families in the last 5 years
2019/2020
2020/2021
2021/2022
2022/2023
2023/2024
How much has the Trust paid out as a result of these claims over the same time period?
What have the legal fees cost over that period?
And how much has the Trust had to pay for claimants' legal costs?

I require this information for the following seven trusts:

County Durham & Darlington
North Tees & Hartlepool
South Tees
Gateshead
South Tyneside & Sunderland
Tees, Esk, Wear Valley
Cumbria, Northumberland, Tyne & Wear

[New Request on 14 October 2024]
Further to my last message - I have been asked to add some more trusts to this request. So please replace my previous message earlier today with this one, which lists all 12 trusts.

Please could you share with me the following information for the Trust:

• *How many negligence claims have been made against the Trust by patients or their families in the last five years.*

• *How much has the Trust paid out to patients or their families, as a result of these claims over the same time period?*

• *What have the legal fees cost the Trust over that period?*

• And how much has the Trust had to pay for claimants' legal costs?

If it's possible to break down these figures and costs for each financial year over the last five years that would be great:

2019/2020
2020/2021
2021/2022
2022/2023
2023/2024

County Durham & Darlington
North Tees & Hartlepool
South Tees
Gateshead
South Tyneside & Sunderland
Newcastle
Cumbria
Northumbria
Harrogate and district
York & Scarborough
Tees, Esk, Wear Valley
Cumbria, Northumberland, Tyne & Wear

[We replied on 15 October 2024 with]:

I confirm that we received both of your requests.

We do publish breakdown of claims data by individual trust. Please refer to the document called Factsheet 5 and the three pink-coloured tabs with information about number of claims and payments made.

Member-and-Health-Authority-Statistics-NHS-Resolution-2023_24.xlsx (live.com)
Factsheet-5-member-and-health-authority-claims-data-2022_23.xlsx (live.com)
Factsheet-5-trust-and-authority-claims-data-2021-22_Dec_Corrections.xlsx (live.com)
Factsheet-5—-trust-and-authority-claims-data-2020-21.xlsx (live.com)
Factsheet 5 - trust and authority claims data 2019/20 - NHS Resolution

Does this provide you the information you need?

Please do let us know if you need anything further.

[You replied on 15 October 2024 with]:

I've spent some more time this afternoon looking at these sheets. In the third pink tab – "contributions made" – is this contributions that trusts have made into payment schemes, or contributions they've had to make towards negligence payouts (on top of the payments they've made to the schemes)? It's not very clear, and I want to make sure I'm 100% clear on what trusts have had to pay out from funds outside of insurance/payment schemes.

I do have another question…

Obviously all the trusts have insurance cover for negligence claims – what is the difference between the RPST and CNST? Essentially I'm trying to work out how much the trusts have had to pay each year to cover their negligence claims insurance, and how much they've had to pay outside of that cover. Can you point me to the correct columns in the spreadsheet please?

Our Response

The members of our CNST and RPST schemes pay a contribution each year for membership of each scheme. This contribution covers the in-year costs of all payments we make for damages, claimant legal costs and NHS legal costs in respect of claims made against the member which are covered under our scheme rules. The members do not pay insurance to cover negligence claims, we are a risk pooling scheme that operates in a similar way to insurance. Except for certain excesses that are payable per claim on RPST claims, the members do not pay any other costs for settling claims above their contribution payments to the schemes.

"what is the difference between the RPST and CNST?"

This is LTPS and PES schemes put together - Risk Pooling Schemes for Trusts - NHS Resolution. Please also see: Risk Pooling Schemes for Trusts Archives - NHS Resolution

"Essentially I'm trying to work out how much the trusts have had to pay each year to cover their negligence claims insurance, and how much they've had to pay outside of that cover. Can you point me to the correct columns in the spreadsheet please?"

The "**contributions**" sheet in each published Member and Health Authority Statistics provides this information. It lists each member's contributions broken down by scheme (CNST, LTPS, PES).

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/