



Resolution

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December 2024

FOI_6874

The following information was requested on 18 November 2024:

Please answer the following questions for each of the last seven financial years, namely 2017/18, 2018/19, 2019/20, 2020/21, 2021/22, 2022/23 and 2023/24.

- 1. Please state how many claims were paid, what the damages were and the costs for each side, and the total cost to NHS Resolution for claims paid out under your employers' liability where the claimants' injuries were as a result of an **assault**?*
- 2. Please state how many claims were paid, what the damages were and the costs for each side, and the total cost to NHS Resolution for claims paid out under your public liability insurance where the claimants' injuries were as a result of an assault? If possible, could you separate out the claims that were paid to patients for this reason?*

Note: I am asking this question in relation to payments that were made in a financial year regardless of when the incident took place or when the initial claim was lodged with you.

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. We are able to provide the data on the claims and incidents notified to us. We will not hold the details of **all** incidents relating to physical assault. Individual Trusts will hold this.

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 [Understanding NHS Resolution data - NHS Resolution](#)

Please note claims notified/received and open are not guaranteed to be settled in the same year and can take many years to be concluded. 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.

LTPS Scheme

NHS Resolution manages a number of risk-pooling schemes (similar to insurance) for the NHS, one of which is the Liability to Third Parties Scheme (LTPS). This covers both employers' liability (**EL**) (i.e. in relation to duties of care owed to employees) and public liability (**PL**) (i.e. in relation to duties of care owed other patients, visitors, and other members of the public). You can find out more about the LTPS scheme here: [Liabilities to Third Parties Scheme - NHS Resolution](#)

Please **find attached** the following tables:

Table 1 shows: – Number and Cost of Claims Closed between financial years 2017/18 and 2023/24 with a damages payment, which relate to Employer Liability claims where any cause is '**Assault**'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

In response to Q2 we are able to provide you with the number of claims recorded under public liability, in relation to duties of care owed to other patients, visitors, and other members of the public. Please see table 2 attached. We are unable to separate out which of these claims relates specifically just to patients. To do so would involve a manual review of individual claims files and this exercise would likely exceed the FOI cost limit. Therefore, we estimate that the cost of complying with the request in its entirety would exceed the 'appropriate limit.' Section 12(1) of the FOIA 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 you with the information that is readily available within the appropriate limit.

Table 2 shows: - Number and Cost of Claims Closed between financial years 2017/18 and 2023/24 with a damages payment, which relate to Public Liability Claims where any cause is '**Assault**'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

Please also visit our [Learning from workplace violence claims within the NHS: A thematic review - NHS Resolution](#) produced by NHS Resolution in collaboration with the Social Partnership Forum and NHS England.

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 Cost of Claims Closed between financial years 2017/18 and 2023/24 with a damages payment, which relate to Employer Liability claims where any cause is 'Assault'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

Table 2: Number and Cost of Claims Closed between financial years 2017/18 and 2023/24 with a damages payment, which relate to Public Liability Claims where any cause is 'Assault'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

Table 1: Number and Cost of Claims Closed between financial years 2017/18 and 2023/24 with a damages payment, which relate to Employer Liability claims where any cause is 'Assault'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

ClosedSettled scheme	Y (All)
Claim_Outcome	Damages Paid
Liability_Type	EL

Year of Closure	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2017/18	165	3,583,227	754,963	2,822,312	7,160,502
2018/19	224	5,844,197	1,173,421	4,096,113	11,113,731
2019/20	244	7,734,444	1,283,875	4,238,626	13,256,944
2020/21	209	3,393,322	806,183	2,544,355	6,743,860
2021/22	180	3,393,484	704,505	2,735,636	6,833,624
2022/23	252	3,587,844	849,495	2,890,754	7,328,093
2023/24	222	3,819,034	609,679	2,899,961	7,328,674
Grand Total	1,496	31,355,551	6,182,120	22,227,757	59,765,428

Table 2: Number and Cost of Claims Closed between financial years 2017/18 and 2023/24 with a damages payment, which relate to Public Liability Claims where any cause is 'Assault'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

ClosedSettled scheme	Y (All)
Claim_Outcome	Damages Paid
Liability_Type	PL

Year of Closure	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2017/18	35	960,895	226,320	636,024	1,823,238
2018/19	35	492,653	188,734	590,859	1,272,246
2019/20	23	2,844,407	197,907	1,184,695	4,227,009
2020/21	31	382,068	94,532	331,526	808,126
2021/22	28	398,499	112,620	525,020	1,036,138
2022/23	31	765,200	113,309	390,815	1,269,324
2023/24	34	2,736,657	654,154	2,092,835	5,483,647
Grand Total	217	8,580,377	1,587,576	5,751,774	15,919,728