



Resolution

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April 2025
FOI_6988

The following information was requested on 20 January 2025 and clarified on 11 February 2025:

[On 20 January 2025 you requested]

COVID-19 Claims on a settlement year basis

Could you provide, on a settlement year basis, the average claim size and number of claims which have arisen that specifically relate to COVID-19. Please can you provide these by damage size bands and specialties if possible, similar to the breakdown you provide in the published Supplementary Annual Statistics workbook ([Annual statistics - NHS Resolution](#)).

[We sought clarification on 22 January 2025]

Please could you provide us with the time period you would like the data to cover?

Your request will be put on hold until we receive the clarification requested above.

[You replied on 5 February 2025]

Thanks for your email.

Please can you provide information for settlement years 2020/21 and post?

[On 10 February 2025 we contacted you to seek further clarification]

In respect of this request:

FOI request 2

COVID-19 Claims on a settlement year basis

Could you provide, on a settlement year basis, the average claim size and number of claims which have arisen that specifically relate to COVID-19. Please can you provide these by damage size bands and specialties if possible, similar to the breakdown you provide in the published Supplementary Annual Statistics workbook ([Annual statistics - NHS Resolution](#)).

Are you interested in all claims to be included, or just clinical claims, please?

[On 11 February 2025 you replied with]

Thanks for your email.

We would like information for both clinical and non-clinical claims separately.

Our Response

Please find attached the requested information. Please note we only hold information for England. We are able to provide information in complete financial years. We have therefore provided information for the financial year 2020/21 – 2023/24. The information for the financial year 2024/25 is currently unavailable and will be available on request from August 2025.

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. We strongly recommend exercising caution when trying to compare previous similar requests to establish any trend patterns, such as increase or decreases in volumes and values. For further information, please refer to <https://resolution.nhs.uk/resources/understanding-nhs-resolution-data>.

For part of this request (tables 4, 6, 9 and 11) we have used our Supplementary Annual Statistics (SAS) dataset to ensure the averages represent the most up to date information. For further information about our SAS dataset please see: [Annual statistics \(including Factsheet 5\) - NHS Resolution](#). Therefore, our response to these parts of this request may not align with other publications on our website, or with other data contained within the other tables.

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.

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 nil damages payment), challenged, reopened, and closed again at conclusion.

Please also note that the data shows a variation in the number of claims received during this period. This is a reflection of the nature of individual claims received by NHS Resolution, which can vary significantly. As such, these fluctuations cannot be interpreted as trends.

Please note that legal costs include lawyers' fees and additional disbursements e.g. fees paid to experts, counsel and the court associated with the management of the claims.

For information about the different types of schemes we manage, please visit our website here: [Claims Management - NHS Resolution](#)

Please find attached the following tables:

Table 1 shows: - Number of Clinical Claims and Incidents received between financial years '2020/21' and '2023/24' where the claim is specifically related to 'COVID-19'. Broken down by Primary Specialty.

Table 2 shows: - Number of Non-Clinical Claims and Incidents received between financial years '2020/21' and '2023/24' where the claim is specifically related to 'COVID-19'.

Table 3 shows: - Number of Clinical Claims Closed between financial years '2020/21' and '2023/24' with a damages payment, where the claim is specifically related to 'COVID-19'. Broken down by Primary Specialty.

Table 4 shows: - Average Cost of Clinical Claims Closed between financial years '2020/21' and '2023/24' with a damages payment, where the claim is specifically related to 'COVID-19'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure. Broken down by Primary Specialty.

Table 5 shows: - Number of Clinical Claims Closed between financial years '2020/21' and '2023/24' with NIL damages paid where the claim is specifically related to 'COVID-19'. Broken down by Primary Specialty.

Table 6 shows: - Average Cost of Clinical Claims Closed between financial years '2020/21' and '2023/24' with NIL damages paid where the claim is specifically related to 'COVID-19'. Broken down by Primary Specialty.

Table 7 shows: - Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years '2020/21' and '2023/24', where the claim is specifically related to 'COVID-19'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure. Broken down by damages tranche.

Table 8 shows: - Number of Non-Clinical Claims Closed between financial years '2020/21' and '2023/24' with a damages payment, where the claim is specifically related to 'COVID-19'. Broken down by Year.

Table 9 shows: - Average Cost of Non-Clinical Claims Closed between financial years '2020/21' and '2023/24' with a damages payment, where the claim is specifically related

to 'COVID-19'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure. Broken down by Year.

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Table 12 shows: - Number and Cost of Non-Clinical Claims Closed between financial years '2020/21' and '2023/24', where the claim is specifically related to 'COVID-19'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure. Broken down by damages tranche.

Low Numbers

We have suppressed low figures and are unable to provide the location of the claims as we believe that disclosure of information with this level of granularity is exempt under Section 40(2) by virtue of section 40(3A) (a) of the Freedom of Information Act, where disclosure to a member of the public would contravene one or more of the data protection principles. The data protection principles are set out in Article 5 of the General Data Protection Regulation. We take the view that it would not be fair or lawful (given the sensitive and confidential nature of the information held) to disclose such information, and any disclosure would therefore contravene the first data protection principle.

In some instances, the low numbers of claims (fewer than 5) in each category, the likelihood exists that individuals who are the subject of this information may be identified either from this information alone, or in combination with other available information. In addition to this, as this information is considered to be sensitive personal data (the data subjects' medical condition); NHS Resolution believes it has a greater responsibility to protect those individuals' identities, as disclosure could potentially cause damage and/or distress to those involved. Where we are in the territory of such small numbers in the attached, we have used a '#' symbol in the relevant field. You should still be able to see aggregate/total details for higher level fields containing this data.

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, 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/>

TABLE OF CONTENTS

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 Clinical Claims and Incidents received between financial years '2020/21' and '2023/24' where the claim is specifically related to 'COVID-19'. Broken down by Primary Specialty.

Table 2: Number of Non-Clinical Claims and Incidents received between financial years '2020/21' and '2023/24' where the claim is specifically related to 'COVID-19'.

Table 3: Number of Clinical Claims Closed between financial years '2020/21' and '2023/24' with a damages payment, where the claim is specifically related to 'COVID-19'. Broken down by Primary Specialty.

Table 4: Average Cost of Clinical Claims Closed between financial years '2020/21' and '2023/24' with a damages payment, where the claim is specifically related to 'COVID-19'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure. Broken down by Primary Specialty.

Table 5: Number of Clinical Claims Closed between financial years '2020/21' and '2023/24' with NIL damages paid where the claim is specifically related to 'COVID-19'. Broken down by Primary Specialty.

Table 6: Average Cost of Clinical Claims Closed between financial years '2020/21' and '2023/24' with NIL damages paid where the claim is specifically related to 'COVID-19'. Broken down by Primary Specialty.

TABLE OF CONTENTS

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Table 7: Number and Cost of Clinical Claims Closed between financial years '2020/21' and '2023/24' where the claim is specifically related to 'COVID-19'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure. Broken down by Damages Tranche.

Table 8: Number of Non-Clinical Claims Closed between financial years '2020/21' and '2023/24' with a damages payment, where the claim is specifically related to 'COVID-19'. Broken down by Year.

Table 9: Average Cost of Non-Clinical Claims Closed between financial years '2020/21' and '2023/24' with a damages payment, where the claim is specifically related to 'COVID-19'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure. Broken down by Year.

Table 10: Number of Non-Clinical Claims Closed between financial years '2020/21' and '2023/24' with NIL damages paid where the claim is specifically related to 'COVID-19'. Broken down by Year.

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Table 12: Number and Cost of Non-Clinical Claims Closed between financial years '2020/21' and '2023/24', where the claim is specifically related to 'COVID-19'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure. Broken down by Damages Tranche.

Table 1: Number of Clinical Claims and Incidents received between financial years '2020/21' and '2023/24' where the claim is specifically related to 'COVID-19'. Broken down by Primary Specialty.

Notified scheme	Y
Clinical_NonClinical	(All) Clinical

Primary Specialty	No. of Claims
General Practice	68
General Medicine	63
Emergency Medicine	38
Respiratory Medicine/ Thoracic Medic	37
Intensive Care Medicine	31
General Surgery	30
Geriatric Medicine	30
Community Medicine/ Public Health	24
Orthopaedic Surgery	23
Obstetrics	21
Ambulance	13
Gastroenterology	13
Infectious Diseases	12
Cardiology	11
Pharmacy	10
Psychiatry/ Mental Health	8
Radiology	8
Other	7
Renal Medicine	5
HM Prison Medical/dental	5
(blank)	5
Gynaecology	5
Oncology	5
Surgical Speciality - Other	#
Neurology	#
Urology	#
Anaesthesia	#
Unknown	#
NHS Direct Services	#
Vascular Surgery	#
Neurosurgery	#
Haematology	#
Not Specified	#
District Nursing	#
Otorhinolaryngology/ ENT	#
Physiotherapy	#
Cardio Surgery	#
Miscellaneous	#
Paediatrics	#
Endocrinology	#
Palliative Medicine	#
Podiatry	#
Rheumatology	#
Occupational Therapy	#

Table 1: Number of Clinical Claims and Incidents received between financial years '2020/21' and '2023/24' where the claim is specifically related to 'COVID-19'. Broken down by Primary Specialty.

Notified scheme	Y (All)
Clinical_NonClinical	Clinical

Primary Specialty	No. of Claims
Rehabilitation	#
Grand Total	516

Table 2: Number of Non-Clinical Claims and Incidents received between financial years '2020/21' and '2023/24' where the claim is specifically related to 'COVID-19'.

Notified	Y
scheme	(All)
Clinical_NonClinical	NonClinical

No. of Claims
190

Table 3: Number of Clinical Claims Closed between financial years '2020/21' and '2023/24' with a damages payment, where the claim is specifically related to 'COVID-19'. Broken down by Primary Specialty.

Primary Specialty	No. of Claims
Geriatric Medicine	5
General Medicine	5
Community Medicine/ Public Health	5
General Practice	#
Radiology	#
Urology	#
Respiratory Medicine/ Thoracic Medic	#
General Surgery	#
Emergency Medicine	#
Orthopaedic Surgery	#
Psychiatry/ Mental Health	#
Gynaecology	#
Gastroenterology	#
Infectious Diseases	#
Vascular Surgery	#
Anaesthesia	#
Cardiology	#
Ambulance	#
NHS Direct Services	#
Rehabilitation	#
Not Specified	#
Other	#
Surgical Speciality - Other	#
Grand Total	53

Table 4: Average Cost of Clinical Claims Closed between financial years '2020/21' and '2023/24' with a damages payment, where the claim is specifically related to 'COVID-19'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure. Broken down by Primary Specialty.

Primary Specialty	Average of Damages Paid	Average of NHS Legal Costs Paid	Average of Claimant Legal Costs Paid	Average of Total Paid
NHS Direct Services	#	#	#	#
Vascular Surgery	#	#	#	#
Cardiology	#	#	#	#
Gynaecology	38,090	#	31,100	#
Gastroenterology	18,196	14,449	31,150	63,794
Psychiatry/ Mental Health	16,250	6,441	34,000	56,691
Radiology	22,056	6,958	19,367	48,381
Urology	19,833	10,957	15,583	46,373
Not Specified	#	#	#	#
Orthopaedic Surgery	19,833	8,772	14,333	42,938
Geriatric Medicine	19,200	9,228	12,750	41,178
General Surgery	20,122	6,813	12,300	39,235
Anaesthesia	#	#	#	#
Surgical Speciality - Other	#	#	#	#
General Medicine	13,349	11,695	11,830	36,874
Ambulance	#	#	#	#
Respiratory Medicine/ Thoracic Medic	8,583	9,245	8,288	26,117
Rehabilitation	#	#	#	#
Emergency Medicine	#	9,730	8,667	#
Other	#	#	#	#
Community Medicine/ Public Health	#	#	7,750	14,768
Infectious Diseases	#	#	#	#
General Practice	#	#	#	10,907

Table 5: Number of Clinical Claims Closed between financial years '2020/21' and '2023/24' with NIL damages paid where the claim is specifically related to 'COVID-19'. Broken down by Primary Specialty.

Primary Specialty	No. of Claims
General Practice	46
General Medicine	32
General Surgery	18
Community Medicine/ Public Health	15
Respiratory Medicine/ Thoracic Medic	15
Emergency Medicine	12
Intensive Care Medicine	11
Orthopaedic Surgery	9
Gynaecology	9
Geriatric Medicine	7
Pharmacy	7
Other	5
Psychiatry/ Mental Health	#
Infectious Diseases	#
Gastroenterology	#
Ambulance	#
HM Prison Medical/dental	#
Urology	#
Renal Medicine	#
(blank)	#
Haematology	#
Cardiology	#
Surgical Speciality - Other	#
Unknown	#
Anaesthesia	#
Oncology	#
Neurosurgery	#
Neurology	#
Paediatrics	#
Not Specified	#
NHS Direct Services	#
Obstetrics	#
Miscellaneous	#
District Nursing	#
Cardio Surgery	#
Grand Total	231

Table 6: Average Cost of Clinical Claims Closed between financial years '2020/21' and '2023/24' with NIL damages paid where the claim is specifically related to 'COVID-19'. Broken down by Primary Specialty.

Primary Specialty	Average of NHS Legal Costs Paid	Average of Claimant Legal Costs Paid	Average of Total Paid
Obstetrics	#	#	#
Infectious Diseases	19,998	0	19,998
Anaesthesia	10,451	0	10,451
Haematology	9,956	0	9,956
Psychiatry/ Mental Health	7,751	0	7,751
Oncology	7,489	0	7,489
Gastroenterology	7,318	0	7,318
Ambulance	7,151	0	7,151
Surgical Speciality - Other	6,955	0	6,955
Neurology	#	#	#
Renal Medicine	6,582	0	6,582
Respiratory Medicine/ Thoracic Medic	5,963	0	5,963
Neurosurgery	#	#	#
General Medicine	5,150	0	5,150
Emergency Medicine	5,144	0	5,144
Intensive Care Medicine	5,022	0	5,022
Geriatric Medicine	#	#	#
Paediatrics	#	#	#
Other	#	#	#
Cardiology	#	#	#
General Surgery	#	#	#
Pharmacy	#	#	#
Community Medicine/ Public Health	#	#	#
Orthopaedic Surgery	#	#	#
HM Prison Medical/dental	#	#	#
Urology	#	#	#
Miscellaneous	#	#	#
General Practice	#	#	#
Unknown	#	#	#
NHS Direct Services	#	#	#
District Nursing	#	#	#
(blank)	#	#	#
Not Specified	#	#	#
Gynaecology	#	#	#
Cardio Surgery	#	#	#

Table 7: Number and Cost of Clinical Claims Closed between financial years '2020/21' and '2023/24' where the claim is specifically related to 'COVID-19'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure. Broken down by Damages Tranche.

Damages Tranche	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
NIL Damages	231	0	868,183	0	868,183
£1,501-£25,000	42	385,839	324,162	546,615	1,256,616
£25,001-£50,000	7	223,865	62,395	134,150	420,410
£50,001-£100,000	#	#	#	#	#
£100,001-£250,000	#	#	#	#	#
£500,001-£1,000,000	#	#	#	#	#
Grand Total	284	1,358,267	1,292,631	842,915	3,493,813

Table 8: Number of Non-Clinical Claims Closed between financial years '2020/21' and '2023/24' with a damages payment, where the claim is specifically related to 'COVID-19'. Broken down by Year.

Year of Closure	No. of Claims
2022/23	5
2023/24	11
Grand Total	16

Table 9: Average Cost of Non-Clinical Claims Closed between financial years '2020/21' and '2023/24' with a damages payment, where the claim is specifically related to 'COVID-19'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure. Broken down by Year.

Year of Closure	Average of Damages Paid	Average of NHS Legal Costs Paid	Average of Claimant Legal Costs Paid	Average of Total Paid
2021/22	#	#	#	#
2022/23	#	#	#	5,788
2023/24	#	5,939	#	11,296

Table 10: Number of Non-Clinical Claims Closed between financial years '2020/21' and '2023/24' with NIL damages paid where the claim is specifically related to 'COVID-19'. Broken down by Year.

Year of Closure	No. of Claims
2020/21	#
2021/22	18
2022/23	49
2023/24	61
Grand Total	#

Table 11: Average Cost of Non-Clinical Claims Closed between financial years '2020/21' and '2023/24' with NIL damages paid where the claim is specifically related to 'COVID-19'. Broken down by Year.

Year of Closure	Average of NHS Legal Costs Paid	Average of Claimant Costs Paid	Average of Total Paid
2020/21	#	#	#
2021/22	#	#	#
2022/23	#	#	#
2023/24	#	#	#

Table 12: Number and Cost of Non-Clinical Claims Closed between financial years '2020/21' and '2023/24', where the claim is specifically related to 'COVID-19'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure. Broken down by Damages Tranche.

Damages Tranche	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
NIL Damages	132	0	449,640	3,105	452,745
£1-£1,500	#	#	#	#	#
£1,501-£25,000	14	48,531	74,539	23,794	146,864