NHS Resolution

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

April 2025
FOI_7039

The following information was requested on 11 February 2025:

Under the Freedom of Information Act 2000, I am looking for information related to the following:

Between the financial years 2013/14 and 2023/24, the total amount of compensation awarded by the Manchester University NHS Foundation Trust clinical negligence claims related to cerebral palsy.

In the same date range, give the top five trusts in order of the highest total amounts of compensation awarded for clinical negligence claims related to cerebral palsy.

Our Response

Please find attached the requested information we are able to provide.

NB: 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 https://resolution.nhs.uk/resources/understanding-nhs-resolution-data.

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 and close. They are not guaranteed to be settled and closed in the same year. As such, there will be a time gap between incident and claim closure.

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.

The data shows variation in numbers of cases closed per year and costs attributed to those claims. This is a reflection of the nature of individual claims received and resolved by NHS Resolution, which can vary significantly. As such, these fluctuations cannot be interpreted as trends.

We have provided data on clinical claims. For details about the schemes we operate, please refer to our website here: Claims Management - NHS Resolution

Please note that the data provided relates to Cerebral Palsy claims only and will therefore not align with other published data which includes Cerebral Palsy **and** Brain Damage claims (for example, in the Annual Reports and Accounts).

Please find attached the following tables:

Table 1 shows: - CNST Claims Closed (or settled with a periodical payment order) between financial years 2013/14 and 2023/24 with a damages payment, where any Injury is '**Cerebral Palsy'** and the Trust is 'Manchester University NHS Foundation Trust'. The data includes the damages paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

Table 2 shows: - Top 5 Trusts (by Damages Paid) for CNST Claims Closed (or settled with a periodical payment order) between financial years 2013/14 and 2023/24 with a damages payment, where any Injury is '**Cerebral Palsy'**. The data includes the damages paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

Please note the table should **not** be interpreted as a league table. Larger member organisations and those which provide more complex treatments may receive more claims than smaller organisations or those providing low risk care. Inevitably, different institutions face different levels of risk because of the variations in the nature and complexity of the procedures they perform. For example, a number of high value claims in a complex treatment environment may skew the average damages awards. In some circumstances, volumes of reported cases may be impacted by multiple claims notified in relation to one cause of action. The value of claims will depend on individual circumstances and the data may be impacted significantly by small numbers of high value claims.

PPOs

The information disclosed includes damages and costs paid up to the end of the settlement year (in Periodical payment order (PPO) cases) and up to the end of the closure year in non-PPO cases.

PPOs are an agreement between the parties, to pay an initial lump sum and regular future payments (PPO damages) related to the injured party's ongoing needs, usually care for life i.e., a percentage of the full value of the claim is paid at the point of settlement (lump sum damages) with the balance paid at regular intervals over subsequent years. The information disclosed includes lump sum damages, costs and any PPO damages paid up to the end of the year of settlement. It does not include PPO damages, which have been committed to but due to be paid after the settlement year.

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 Joanne Appleby, Deputy 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/

Freedom of Information Request# 7039
Data correct as at: The end of every financial year

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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.

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Table 1: CNST Claims Closed (or settled with a periodical payment order) between financial years 2013/14 and 2023/24 with a damages payment, where any Injury is 'Cerebral Palsy' and the Trust is 'Manchester University NHS Foundation Trust'. The data includes the damages paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

ClosedSettled	Y
scheme	CNST
Claim_Outcome	Damages Paid
Latest Trust Name	Manchester University NHS Foundation Trust

No. of Claims	Damages Paid
21	64,434,985

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Table 2: Top 5 Trusts (by Damages Paid) for CNST Claims Closed (or settled with a periodical payment order) between financial years 2013/14 and 2023/24 with a damages payment, where any Injury is 'Cerebral Palsy'. The data includes the damages paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

ClosedSettled	Y
scheme	CNST
Claim_Outcome	Damages Paid

Trust Name	No. of Claims	Damages Paid
Barts Health NHS Trust	22	98,201,424
University Hospitals Sussex NHS Foundation Trust	18	78,959,783
Manchester University NHS Foundation Trust	21	64,434,985
Mid and South Essex NHS Foundation Trust	17	60,585,456
Barking, Havering and Redbridge University Hospitals NHS Trust	12	57,835,279
Grand Total	**90**	**360,016,927**