



Resolution

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April 2025
FOI_7153

The following information was requested on 9 April 2025:

1. *Is NHS Resolution signed up to the 2015 Rehabilitation Code?*
2. *Since the Rehabilitation Code was introduced in 2015, how many clinical negligence cases has NHS Resolution applied the code to?*
 - 2a. *Please also provide a breakdown by injury type*
 - 2b. *Please also provide a breakdown by NHS trust involved.*
3. *Since the Rehabilitation Code was introduced in 2015, how many payments has NHS Resolution made under the Rehabilitation Code in respect of clinical negligence claims?*
 - 3a. *What is the total value of these payments?*
 - 3b. *At what stages of the claim were these payments made (e.g. pre-action, post-issue, after admission of liability)?*
4. *Since 2015 and in respect of clinical negligence claims, how many interim payments has NHS Resolution made specifically to facilitate the rehabilitation and/or recovery of an injured patient?*
 - 4a. *What is the total value of these payments?*
 - 4b. *How many individual cases do they relate to?*
 - 4c. *Which NHS trusts were the subject of these claims?*
 - 4d. *At what stages of the claim were these payments made (e.g. pre-action, post-issue, after admission of liability)?*
5. *Does NHS Resolution hold any internal policy, position or documented rationale setting out its approach to the Rehabilitation Code? If so, please provide a copy or summary.*

Our Response to your specific request

In response to: *Is NHS Resolution signed up to the 2015 Rehabilitation Code?*

It is worthy of note that no party is required to sign up to the code. It is a voluntary arrangement which promotes the collaborative use of rehabilitation before, or simultaneously with, the process of compensation.

Although NHS Resolution may hold information relating to cases where we have applied the Rehabilitation Code, due to the way claims are recorded on our claims

database we will not be able to readily identify these without a manual review of all cases. NHS Resolution receives thousands of claims each year.

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 estimate that it would take on average 10 minutes to locate, retrieve and extract the requested information from an individual file. It may therefore be the case that we would be able to examine only 108 files within 18 hours.

In addition, given the complexity of clinical negligence claims and their litigation, it is possible for a single electronic or paper-based file to contain hundreds of documents in a variety of formats.

Please also note even if we were able to carry out a review of 108 random files, we may not be able to provide you with the level of detail you require owing to Data Protection grounds.

We would need to suppress low numbers or any information that could possibly lead to the identification of claimants, patients, or individuals where disclosure would breach the General Data Protection Regulation.

NHS Resolution does not have any internal guidance or policy around applying the Code.

For the details of the claims data that we publish please refer to the following link: [Annual statistics - NHS Resolution](#)

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
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