NHS Resolution

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July 2025
FOI_7258

The following information was requested on 6 June 2025:

I would like to request the following information under the Freedom of Information Act:

For the past 10 complete years (calendar or financial whichever is easiest) please can you provide me with:

1. For the 5 largest claims that year:
a. The average (mean) and standard deviation of those claims' total costs
b. The average (mean) and standard deviation of those claims' "Legal costs (claimant)"
c. The average (mean) and standard deviation of those claims' "Legal costs (NHS Resolution)"
d. The average (mean) and standard deviation of those claims' "Damages paid" value
e. The percentage that were "Unsuccessful"
f. The cause codes for each claim
g. The specialty for each claim

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. The data for the financial year 2024/25 is currently unavailable and will be available on request from August 2025. Therefore, we have provided the data for the financial years 2014/15 – 2023/24.

We have interpreted the 5 largest claims by the total amount paid for the claim. Therefore, please note that the data provided will relate to the claims where a damages payment was made.

We do not hold the standard deviation requested and the FOI Act does not require us to create new information in response to a FOI request. We also believe with a sample size of the top 5 largest claims, a standard deviation number will likely be misleading, and it would not provide an accurate picture of the data in question.

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 this request 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 this request may not align with other publications on our website.

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.

Table 1 shows: - The average total paid for the 5 largest Claims by total paid value, closed (or settled with a periodical payment order) between financial years 2014/15 and 2023/24, broken down by year. The data includes the damages and legal costs paid up until the end of the financial year 2023/24.

Table 2 shows: - The average Claimant Legal Costs paid for the 5 largest Claims by total paid value, closed (or settled with a periodical payment order) between financial years 2014/15 and 2023/24, broken down by year. The data includes the Claimant legal costs paid up until the end of the financial year 2023/24.

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.

Table 3 shows: - The average NHS Legal Costs paid for the 5 largest Claims by total paid value, closed (or settled with a periodical payment order) between financial years 2014/15 and 2023/24, broken down by year. The data includes the NHS legal costs paid up until the end of the financial year 2023/24.

Table 4 shows: - The average Damages paid for the 5 largest Claims by total paid value, closed (or settled with a periodical payment order) between financial years 2014/15 and 2023/24, broken down by year. The data includes the damages costs paid up until the end of the financial year 2023/24.

Table 5 shows: - List of Specialties for the top 5 claims by total paid value, closed (or settled with a periodical payment order) between financial years 2014/15 and 2023/24.

Table 6 shows: - List of Primary Causes for the top 5 claims by total paid value, closed (or settled with a periodical payment order) between financial years 2014/15 and 2023/24.

PPOs

The attached data includes PPOs. 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 the averages as it relates to, costs paid up until the end of the financial year 2023/24.

Low figures

We have separated the Specialty and Cause tables to limit identification for the 5 largest claims by Total amount paid in each financial year. We are unable to provide you with this information in the same table as the average data 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 FOI 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 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.

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# 7258
Data correct as at: 31/03/2024

NHS Resolution

T A B L E O F C O N T E N T S

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: The average total paid for the 5 largest Claims by total paid value, closed (or settled with a periodical payment order) between financial years 2014/15 and 2023/24, broken down by year. The data includes the damages and legal costs paid up until the end of the financial year 2023/24.

Year of Closure/Settlement as PPO	Average total paid
2014/15	7,605,841
2015/16	8,255,324
2016/17	9,083,000
2017/18	11,492,461
2018/19	11,373,910
2019/20	10,739,055
2020/21	10,739,489
2021/22	14,521,131
2022/23	13,188,811
2023/24	14,862,911

Freedom of Information Request# 7258
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NHS Resolution

Table 2: The average Claimant Legal Costs paid for the 5 largest Claims by total paid value, closed (or settled with a periodical payment order) between financial years 2014/15 and 2023/24, broken down by year. The data includes the Claimant legal costs paid up until the end of the financial year 2023/24.

Year of Closure/Settlement as PPO	Average Claimant Legal Costs Paid
2014/15	756,588
2015/16	1,079,493
2016/17	555,708
2017/18	897,320
2018/19	644,388
2019/20	678,380
2020/21	721,000
2021/22	1,104,400
2022/23	888,969
2023/24	904,662

NHS Resolution

Table 3: The average NHS Legal Costs paid for the 5 largest Claims by total paid value, closed (or settled with a periodical payment order) between financial years 2014/15 and 2023/24, broken down by year. The data includes the NHS legal costs paid up until the end of the financial year 2023/24.

Year of Closure/Settlement as PPO	Average NHS Legal Costs Paid
2014/15	223,429
2015/16	332,770
2016/17	158,540
2017/18	201,995
2018/19	182,549
2019/20	153,094
2020/21	178,914
2021/22	157,614
2022/23	157,628
2023/24	264,141

Table 4: The average Damages paid for the 5 largest Claims by total paid value, closed (or settled with a periodical payment order) between financial years 2014/15 and 2023/24, broken down by year. The data includes the damages costs paid up until the end of the financial year 2023/24.

Year of Closure/Settlement as PPO	Average Damages Paid
2014/15	6,625,824
2015/16	6,843,061
2016/17	8,368,752
2017/18	10,393,146
2018/19	10,546,973
2019/20	9,907,581
2020/21	9,839,575
2021/22	13,259,117
2022/23	12,142,214
2023/24	13,694,108

NHS Resolution

Table 5: List of Specialties for the 5 largest Claims claims by total paid value, closed (or settled with a periodical payment order) between financial years 2014/15 and 2023/24.

Specialty
Cardiology
Emergency Medicine
Obstetrics
Orthopaedic Surgery
Otorhinolaryngology/ ENT
Paediatrics
Radiology

Freedom of Information Request# 7258
Data correct as at: 31/03/2024

NHS Resolution

Table 6: List of Primary Causes for the 5 largest Claims claims by total paid value, closed (or settled with a periodical payment order) between financial years 2014/15 and 2023/24.

Primary Cause
Fail / Delay Treatment
Fail To Recog. Complication Of
Fail To Warn-Informed Consent
Failure To Interpret X-Ray
Failure/Delay Diagnosis
Inadequate Monitoring Intra-Op
Inappropriate Treatment
Intra-Op Problems
Fail To Make Resp To Abnrm FHR
Fail To Monitor 1st Stg Labour
Fail To Monitor 2nd Stg Labour
Fail Antenatal Screening
Inapprop. Case Selection
Application Of Excess Force
Birth Defects
Fail/Delay Referring To Hosp.
Fail To Correctly Apply Forcep
Premature Ceasure Of Treatment
Fail To Infrm Test Rslts