NHS Resolution

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September 2025
FOI_7400

The following information was requested on 21st August 2025:

Can NHSR please provide the following information under the Freedom of Information Act:

1. The number of clinical negligence claims found to be fraudulent (if possible, broken down by scheme, e.g. CNST)

Can you please provide this data for the following years:

- *2013/14*
- *2014/15*
- *2015/16*
- *2016/17*
- *2017/18*
- *2018/19*
- *2019/20*
- *2020/21*
- *2021/22*
- *2022/23*
- *2023/24*
- *2024/25 (if available)*

Our Response

Fraud

The risk of fraud is ever-present. With support from our local counter-fraud specialist providers, and participation in Department of Health and Social Care's (DHSC) Counter Fraud Liaison Group, we continually review and monitor potential threats, provide awareness training to staff and undertake proactive exercises to detect potential fraud and improve our control framework. Genuine claimants have nothing to fear; however, where there is evidence of a fabricated or exaggerated claim, we will continue to take steps to protect public funds and to pursue a custodial sentence.

Fraud is a question of fact and a matter for the criminal courts. We investigate claims where there is a suspicion that dishonesty may be a factor, and our investigation is for the purposes of claims validation. This is most commonly where there is a suspicion that a claimant is exaggerating the extent of their injuries. We are committed to combating exaggeration, which may lead to claims fraud, and our work in this area has led to cases in recent years where claims have been dismissed for fundamental dishonesty, and claimants have been found to be in contempt of court and committed to prison.

If, during the course of validating a claim, exaggeration is suspected we may raise allegations of fundamental dishonesty under s.57 Criminal Justice and Courts Act 2015 which, if proven, results in a claim for damages being dismissed and qualified one-way cost shifting being disapplied.

We have the following recorded for findings of fundamental dishonesty ("FD"):

Financial Year FD found	**Number of claims**
2020/21	Less than 5 - see low numbers refusal notice below
2021/22	Less than 5 - see low numbers refusal notice below
2022/23	Less than 5 - see low numbers refusal notice below
2023/24	Less than 5 - see low numbers refusal notice below
2024/25	Less than 5 - see low numbers refusal notice below

It should be noted that in some instances where an allegation of FD is raised, a claim may be discontinued or struck out for non-compliance with court directions. Consequently, there is no FD finding but claim related damages and costs are not paid out.

Unfortunately, we have only been recording these cases separately for the past 5 years. Therefore, we estimate that the cost of complying with the request in its entirety would exceed the 'appropriate limit.' Section 12(1) of the Freedom of Information Act (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 are unable to provide this information without interrogating individual claims files. Although NHS Resolution may hold some information relating to claims such as what you have requested (England only claims), due to the way claims are recorded on our

claims database, we will not be able to identify such specific cases. It might be helpful to explain that when claims are notified to NHS Resolution they are categorised against pre-defined cause, injury and speciality codes. Unfortunately, historically we did not have a code that would allow us to extract claims relating to allegations of fundamental dishonesty. Therefore, while there may be information held (for prior to 2020/21) in our records, we are not readily able to identify the relevant files by searching the database. To do so would involve a manual review of all cases (for prior to 2020/21) to identify the claims relating to allegations of fundamental dishonesty.

Low Numbers

Please note we have supressed low figures 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 FOIA, 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.

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.

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 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

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