

The following information was requested on 27 April 2026:

Freedom of Information Request: Clinical Negligence Claims in Ophthalmology — Independent Sector Providers

I am writing to make a request under the Freedom of Information Act 2000.

Background

Independent sector providers (ISPs) have become the majority deliverers of NHS-funded cataract and ophthalmic surgery in England, rising from approximately 24% of NHS cataract procedures in 2018–19 to over 55% by 2022–23. ISPs have been eligible for membership of the Clinical Negligence Scheme for Trusts (CNST) since 1 April 2013.

NHS Resolution's response to FOI request [FOI 7739](#) (March 2026) confirmed that CNST data relating to ISPs is held by NHS Resolution but was excluded from that response, which was limited to NHS Trusts. The published annual statistics, by contrast, are stated to include all clinical claims across all providers, including ISPs.

Given the scale of ISP activity in ophthalmology, there is a significant public interest in understanding the medico-legal claims profile arising from that activity. No disaggregated ISP-specific claims data for ophthalmology appears to have been published or disclosed to date.

Information Requested

I request the following information in respect of clinical negligence claims under the CNST (and any successor or equivalent scheme) where the responsible provider is an independent sector provider (ISP) — that is, a non-NHS organisation — and the specialty is ophthalmology:

- 1. The total number of ophthalmology claims notified/received by NHS Resolution from ISP members, broken down by financial year, for each year from 2013/14 (when ISPs became eligible for CNST membership) to the most recent year for which complete data is available.*
- 2. For each financial year specified above, the number of ophthalmology claims from ISP members that were:*
 - closed with a damages payment;*
 - closed with nil damages; and*
 - still open/outstanding at the end of each year.*
- 3. For closed ophthalmology claims from ISP members in each financial year: the total damages paid, total NHS legal costs, total claimant legal costs, and total combined cost.*
- 4. The number of ISP organisations that are current members of the CNST in respect of ophthalmology services, and the total number of ISP CNST members in ophthalmology that have had at least one clinical negligence claim notified against them since 2013/14.*
- 5. If data is available: a breakdown of ISP ophthalmology claims by procedure type or subspecialty (e.g. cataract surgery, refractive surgery, vitreoretinal, medical retina, glaucoma) for any year or period for which such coding exists.*

6. *If a full breakdown by individual ISP organisation is not possible due to low numbers (fewer than 5 claims) attracting Data Protection exemptions under s.40(2) FOI Act, please provide aggregate ISP totals (i.e. all ISP members combined) and indicate which individual ISP rows have been suppressed.*

Comparator Data

To contextualise the above, I also request, for the same period:

7. *The equivalent aggregate figures (claims notified, claims closed with/without payment, total costs) for ophthalmology claims from NHS Trust members of the CNST, broken down by financial year from 2013/14.*
8. *For context, the approximate proportion of NHS-funded ophthalmology activity (by procedure volume) attributable to ISP members versus NHS Trust members, if held by NHS Resolution or readily available to it.*

Preferred Format

I would be grateful if the data could be provided in Microsoft Excel or CSV format, with one row per year and separate columns for each data field. Where fields are unavailable or suppressed, please indicate this clearly rather than omitting the row entirely.

Our Response

Please find attached the requested information we are able to provide. Please note we only hold claims data for England and not for the rest of the UK.

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 [Understanding NHS Resolution data - NHS Resolution](#).

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. Not all claims will result in an award for compensation.

The data shows variation in numbers of claims received, 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.

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 visit our website for more information about our [Clinical Schemes for Trusts - NHS Resolution](#).

Table 1 shows: - Number of CNST Claims and Incidents received between financial years '2013/14' and '2024/25' for **Independent Service Providers** where the Specialty is '**Ophthalmology**', broken down by **Year**.

Table 2 shows: - Number of CNST Claims and Incidents received between financial years '2013/14' and '2024/25' for **NHS Trusts** where the Specialty is '**Ophthalmology**', broken down by **Year**.

Table 3 shows: - Number of Organisations that have had at least one CNST claim or Incident notified for **Ophthalmology** between financial years '2013/14' and '2024/25', broken down by **Provider Type**.

Table 4 shows: - Number of CNST Claims and Incidents outstanding at the end of each financial year (2013/14 - 2024/25) for **Independent Service Providers** where the Specialty is '**Ophthalmology**', broken down by **Year**.

Table 5 shows: - Number of CNST Claims and Incidents outstanding between financial years '2013/14' and '2024/25' for **NHS Trusts** where the Specialty is '**Ophthalmology**', broken down by **Year**.

Table 6 shows: - Number and Cost of CNST Claims Closed between financial years '2013/14' and '2024/25' for **Independent Service Providers** with a damages payment, where the Specialty is '**Ophthalmology**', broken down by **Year**. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

Table 7 shows: - Number and Cost of CNST Claims Closed (or settled with a periodical payment order) between financial years '2013/14' and '2024/25' for **NHS Trusts** with a damages payment, where the Specialty is '**Ophthalmology**', broken down by **Year**. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

Table 8 shows: - Number and Cost of CNST Claims Closed between financial years '2013/14' and '2024/25' for **Independent Service Providers** with **NIL** damages paid where the Specialty is '**Ophthalmology**', broken down by **Year**.

Table 9 shows: - Number and Cost of CNST Claims Closed between financial years '2013/14' and '2024/25' for **NHS Trusts** with **NIL** damages paid where the Specialty is '**Ophthalmology**', broken down by **Year**.

PPOs

The information disclosed includes damages 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 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.

Low figures

We have not provided the information for low figures involved, 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 (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.

In relation to the first part of **question 4**, Independent Sector Providers (ISPs) and NHS Trusts are members of the CNST as organisations, rather than for specific clinical specialties or service lines such as Ophthalmology. As a result, we do not hold data that identifies CNST membership specifically in respect of Ophthalmology services.

In relation to **Q5** we do not hold a code for the procedure type.

In relation to **question 8**, NHS Resolution does not hold information on the proportion of NHS-funded Ophthalmology activity (by procedure volume) attributable to independent sector providers compared to NHS Trusts.

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 several [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 [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/>

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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.

[Table 1: Number of CNST Claims and Incidents received between financial years '2013/14' and '2024/25' for Independent Service Providers where the Specialty is 'Ophthalmology', broken down by Year.](#)

[Table 2: Number of CNST Claims and Incidents received between financial years '2013/14' and '2024/25' for NHS Trusts where the Specialty is 'Ophthalmology', broken down by Year.](#)

[Table 3: Number of Organisations that have had at least one CNST claim or Incident notified for Ophthalmology between financial years '2013/14' and '2024/25', broken down by Provider Type.](#)

[Table 4: Number of CNST Claims and Incidents outstanding at the end of each financial year \(2013/14 - 2024/25\) for Independent Service Providers where the Specialty is 'Ophthalmology', broken down by Year.](#)

[Table 5: Number of CNST Claims and Incidents outstanding between financial years '2013/14' and '2024/25' for NHS Trusts where the Specialty is 'Ophthalmology', broken down by Year.](#)

[Table 6: Number and Cost of CNST Claims Closed between financial years '2013/14' and '2024/25' for Independent Service Providers with a damages payment, where the Specialty is 'Ophthalmology', broken down by Year. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.](#)

[Table 7: Number and Cost of CNST Claims Closed \(or settled with a periodical payment order\) between financial years '2013/14' and '2024/25' for NHS Trusts with a damages payment, where the Specialty is 'Ophthalmology', broken down by Year. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement. .](#)

[Table 8: Number and Cost of CNST Claims Closed between financial years '2013/14' and '2024/25' for Independent Service Providers with NIL damages paid where the Specialty is 'Ophthalmology', broken down by Year.](#)

[Table 9: Number and Cost of CNST Claims Closed between financial years '2013/14' and '2024/25' for NHS Trusts with NIL damages paid where the Specialty is 'Ophthalmology', broken down by 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.

Table 1: Number of CNST Claims and Incidents received between financial years '2013/14' and '2024/25' for Independent Service Providers where the Specialty is 'Ophthalmology', broken down by Year.

Notified Provider Flag	Y ISP
Year of Notification	No. of Claims
2013/14	#
2014/15	5
2015/16	7
2016/17	16
2017/18	9
2018/19	13
2019/20	18
2020/21	13
2021/22	19
2022/23	24
2023/24	44
2024/25	59

Table 2: Number of CNST Claims and Incidents received between financial years '2013/14' and '2024/25' for NHS Trusts where the Specialty is 'Ophthalmology', broken down by Year.

Notified Provider Flag	Y NHS Trust
Year of Notification	No. of Claims
2013/14	231
2014/15	226
2015/16	242
2016/17	252
2017/18	244
2018/19	230
2019/20	254
2020/21	232
2021/22	206
2022/23	277
2023/24	250
2024/25	254
Grand Total	2,898

Table 3: Number of Organisations that have had at least one CNST claim or Incident notified for Ophthalmology between financial years '2013/14' and '2024/25', broken down by Provider Type.

Notified Y

Provider Type	No. of Providers
NHS Trust	143
ISP	21
Grand Total	164

Table 4: Number of CNST Claims and Incidents outstanding at the end of each financial year (2013/14 - 2024/25) for Independent Service Providers where the Specialty is 'Ophthalmology', broken down by Year.

Provider Flag	ISP
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Financial Year End	No. of Claims
2013/14	#
2014/15	5
2015/16	9
2016/17	20
2017/18	21
2018/19	21
2019/20	25
2020/21	23
2021/22	25
2022/23	34
2023/24	57
2024/25	97

Table 5: Number of CNST Claims and Incidents outstanding between financial years '2013/14' and '2024/25' for NHS Trusts where the Specialty is 'Ophthalmology', broken down by Year.

Provider Flag	NHS Trust
Financial Year End	No. of Claims
2013/14	372
2014/15	424
2015/16	484
2016/17	475
2017/18	510
2018/19	516
2019/20	544
2020/21	563
2021/22	524
2022/23	594
2023/24	624
2024/25	662
Grand Total	6,292

Table 6: Number and Cost of CNST Claims Closed between financial years '2013/14' and '2024/25' for Independent Service Providers with a damages payment, where the Specialty is 'Ophthalmology', broken down by Year. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

ClaimOutcome	Damages Paid
Provider Flag	ISP
Closed/Settled	Y

Year of Closure	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Costs Paid	Total Paid
	#	#	#	#	#
2015/16	5	85,387	5,968	54,750	146,105
2016/17	7	193,844	24,133	166,200	384,177
2017/18	9	140,814	41,666	142,750	325,229
2018/19	11	365,692	58,958	244,048	668,698
2019/20	11	175,433	16,977	177,175	369,585
2020/21	9	334,500	65,165	303,125	702,790
2021/22	11	241,176	43,557	285,018	569,751
2022/23	13	567,264	76,995	390,000	1,034,258
2023/24	14	1,178,783	85,952	554,300	1,819,035
2024/25					

Table 7: Number and Cost of CNST Claims Closed (or settled with a periodical payment order) between financial years '2013/14' and '2024/25' for NHS Trusts with a damages payment, where the Specialty is 'Ophthalmology', broken down by Year. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement. .

ClaimOutcome	Damages Paid
Provider Flag	NHS Trust
ClosedSettled	Y

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Costs Paid	Total Paid
2013/14	108	8,496,462	786,502	3,631,078	12,914,042
2014/15	131	10,754,494	1,267,766	5,913,561	17,935,821
2015/16	124	7,416,585	904,353	4,912,934	13,233,873
2016/17	160	11,639,953	1,622,667	8,144,228	21,406,848
2017/18	151	11,751,328	1,445,760	6,617,799	19,814,887
2018/19	148	14,622,989	1,611,298	6,389,153	22,623,440
2019/20	182	19,587,059	2,081,221	7,554,231	29,222,511
2020/21	157	17,823,195	1,797,258	6,698,955	26,319,408
2021/22	191	33,397,526	3,208,238	11,843,591	48,449,354
2022/23	159	28,282,371	2,343,253	8,582,804	39,208,428
2023/24	163	28,812,215	2,630,995	10,421,654	41,864,865
2024/25	160	30,593,735	2,534,051	9,741,994	42,869,780
Grand Total	1,834	223,177,913	22,233,363	90,451,981	335,863,257



Table 8: Number and Cost of CNST Claims Closed between financial years '2013/14' and '2024/25' for Independent Service Providers with NIL damages paid where the Specialty is 'Ophthalmology', broken down by Year.

ClaimOutcome	Nil Damages
Provider Flag	ISP
Closed/Settled	Y

Year of Closure	No. of Claims	NHS Legal Costs Paid	Claimant Costs Paid	Total Paid
2014/15	#	#	#	#
2015/16	#	#	#	#
2016/17	#	#	#	#
2017/18	#	#	#	#
2018/19	6	#	0	#
2019/20	6	#	0	#
2020/21	6	#	0	#
2021/22	9	35,684	0	35,684
2022/23	5	#	0	#
2023/24	10	11,965	0	11,965
2024/25	9	27,268	0	27,268
Grand Total	60	94,699	0	94,699

Table 9: Number and Cost of CNST Claims Closed between financial years '2013/14' and '2024/25' for NHS Trusts with NIL damages paid where the Specialty is 'Ophthalmology', broken down by Year.

ClaimOutcome	Nil Damages
Provider Flag	NHS Trust
Closed/Settled	Y

Year of Closure	No. of Claims	NHS Legal Costs Paid	Claimant Costs Paid
2013/14	94	132,258	#
2014/15	82	115,914	#
2015/16	83	178,115	11,635
2016/17	126	336,570	#
2017/18	99	308,623	0
2018/19	105	502,803	0
2019/20	72	385,894	0
2020/21	74	356,699	0
2021/22	79	383,443	0
2022/23	79	282,462	#
2023/24	84	408,536	0
2024/25	78	268,846	0
Grand Total	1,055	3,660,164	16,751