



Resolution

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June 2026
FOI_7927

The following information was requested on 2 June 2026:

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

Could you please provide data regarding clinical negligence claims handled by NHS Resolution that have included a "lost years" element of damages (claims for loss of earning capacity during a projected period of premature death caused by the alleged negligence)?

Specifically, I would like to request the following information broken down by financial year for the last ten available financial years (e.g., 2014/15 to 2024/25):

Total Number of Claims: The total number of settled clinical negligence claims where the claimant's damages assessment included a calculation for "lost years" (i.e., where future loss of earnings/earning capacity was calculated for a period after the claimant's projected date of death, or where a Harris v Empress Motors deduction for living expenses was applied).

Age Demographics: A breakdown of these claims by the age profile of the claimant at the time of settlement or judgment (specifically distinguishing between adult claimants and child/pediatric claimants under the age of 18).

Primary Injury/Specialty Breakdown: A breakdown of these "lost years" claims by specialty or injury type (e.g., Oncology/Delayed Diagnosis, Obstetrics/Birth Injury, Brain Injury).

Settlement Value: The total or average quantum (damages paid) for the claims identified in question 1.

Refinement Strategy to Assist with Cost Limits:

If extracting this specific data directly from your main database poses a difficulty or risks exceeding the appropriate cost limit under Section 12 of the FOI Act, please prioritise and provide:

Data restricted only to high-value closed claims (e.g., claims valued over £1,000,000) where a reduction in life expectancy was coded or noted in the risk/claims management system.

I would prefer to receive this data in an electronic format, such as an Excel spreadsheet. If any of this request requires further clarification, please do not hesitate to contact me.

Our Response

Please find below our response to your request for information relating to "lost years" elements of damages paid between 2014/15 to 2024/25 financial years.

NHS Resolution does not hold recorded information falling within the scope of your request for the financial years specified. As set out in [ICO guidance](#), public authorities are only required to provide information they hold and are not required to create new information in order to respond to a request.

In this case, while settlement figures are recorded, elements such as “lost years” are not captured as separate or identifiable data fields. Instead, they may form part of an overall settlement value and are not recorded in a way that allows them to be extracted or reported individually.

In addition, although reduced life expectancy may arise in certain high-value claims, cases are categorised according to pre-defined cause, injury and specialty [codes](#), rather than by reference to elements such as “lost years”. As such, there is no specific coding or classification which would enable this information to be identified from recorded data.

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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