

# Factsheet 3: Information on claims 2017-18

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## Background

1. NHS Resolution handles negligence claims on behalf of NHS organisations and independent sector providers of NHS care in England who are members of our clinical negligence schemes. NHS Resolution was established in 1995 as a Special Health Authority and is a not-for-profit arm's length body of the Department of Health and Social Care.
2. Indemnifies providers of NHS care in England including:
  - NHS trusts;
  - NHS foundation trusts;
  - Clinical Commissioning Groups;
  - Independent sector providers of NHS care.
3. We administer clinical and non-clinical risk pooling indemnity schemes which NHS organisations may join, on a voluntary basis, as scheme members.
4. Our approach to pricing is to financially incentivise those organisations which have fewer, less costly claims, thereby supporting the reduction of harm and promoting better staff and patient safety.
5. Our indemnity schemes are:
  - a) The **Clinical Negligence Scheme for Trusts (CNST)** - for patients who suffer negligent harm arising from incidents on or after 1 April 1995.
    - CNST cover is unlimited in value and NHS Resolution funds the total cost of claims.
    - Since April 2013 independent sector providers of NHS healthcare have been entitled to join CNST in their own right.
  - b) The **Liabilities to Third Parties Scheme (LTPS)** – for non-clinical liabilities, typically employers' and public liability claims arising from incidents on or after 1 April 1999.
    - Cover is unlimited in value, however some areas of cover are subject to an excess for which the member is responsible.
    - NHS Resolution funds the cost of claims above the excess.

- NHS resolution offers a free handling service to members for claims below the excess.
- c) The **Property Expenses Scheme (PES)** - for ‘first party’ losses arising from property damage and associated business interruption expenses arising from incidents on or after 1 April 1999.
- d) The **Existing Liabilities Scheme (ELS)** - is centrally funded by the Department of Health and Social Care and covers clinical negligence claims against NHS organisations arising from incidents before 1 April 1995.
- e) The **Ex-RHA Scheme (Ex-RHAS)** - is a relatively small scheme funded by the Department of Health and Social Care covering clinical negligence claims made against former Regional Health Authorities which were abolished in 1996.

## Information

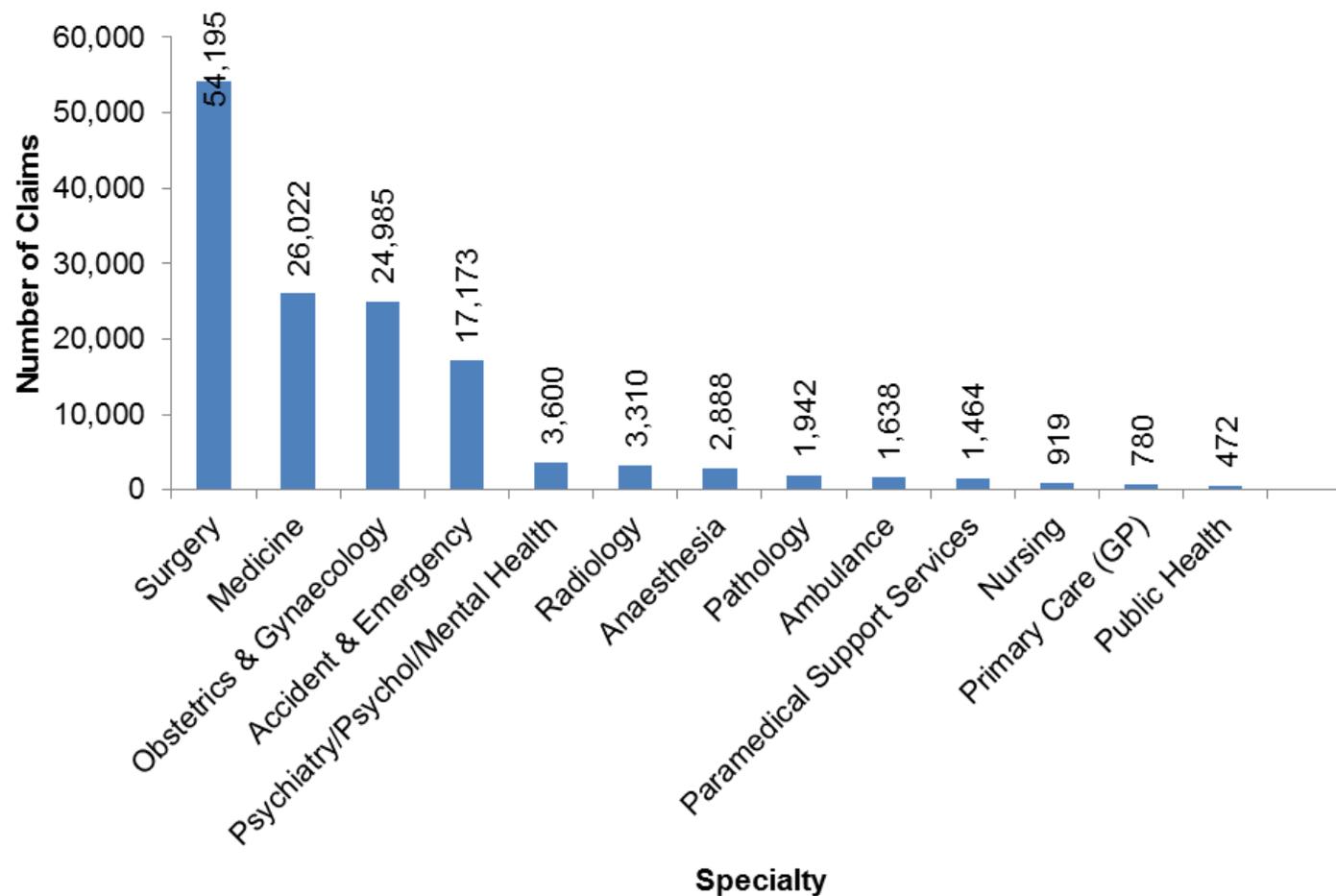
Our database contains information on all claims (including potential claims or “incidents” where a formal letter of claim has not been received but a patient has indicated their intention to pursue a claim) notified to NHS Resolution by member NHS bodies, whether open or closed. The following charts include information on both open and closed claims but exclude “incidents”. It should be noted that, until the “call-in” of lower value claims in 2000 and 2002<sup>1</sup>, lower value clinical negligence claims were handled in-house by trusts and NHS Resolution may not therefore have complete data relating to these claims. The charts indicate whether or not these “below excess” claims are included in the data.

## Headline figures

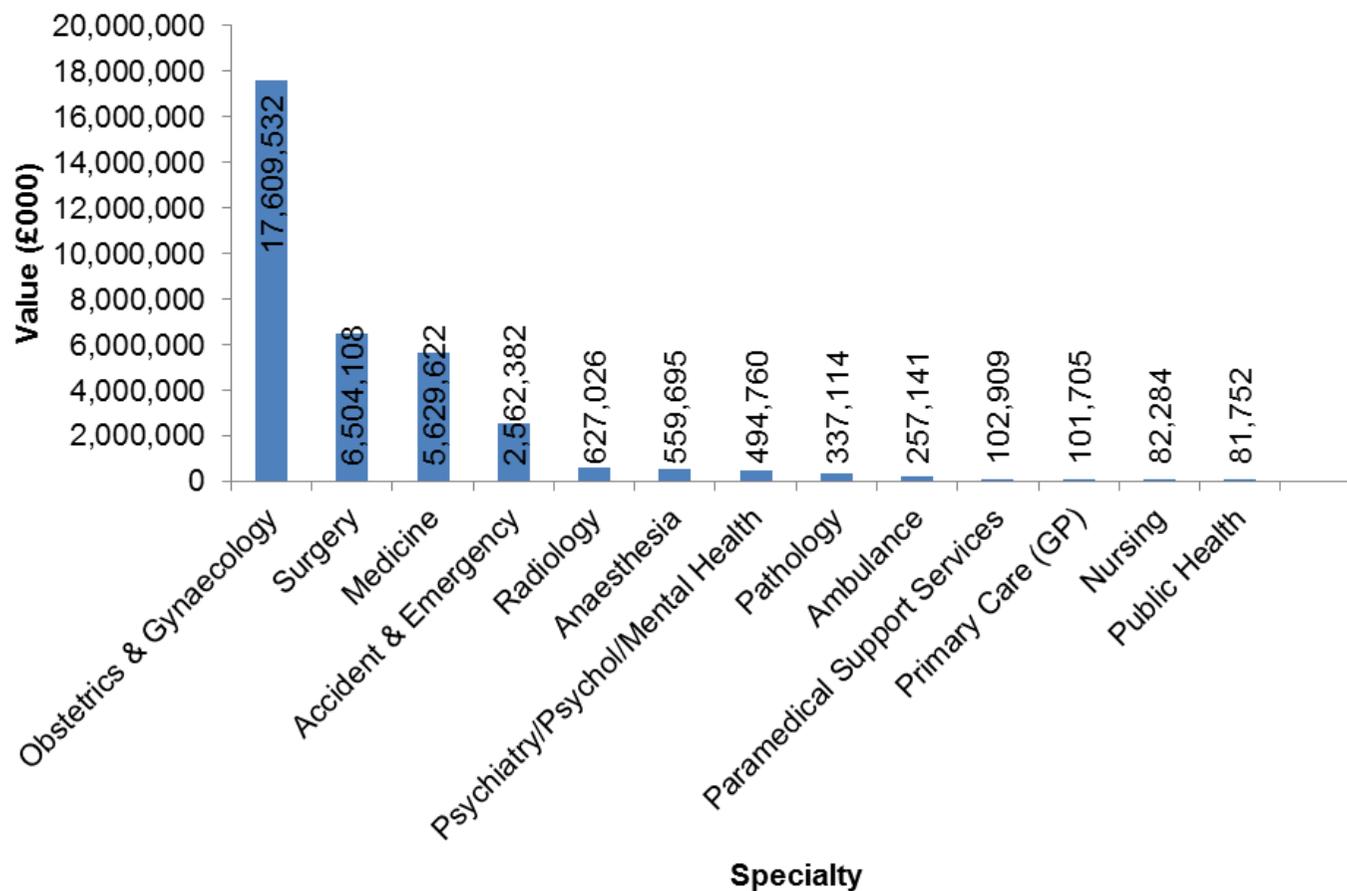
In 2017/18, NHS Resolution received 10,683 claims (including potential claims) under its clinical negligence schemes and 3,570 claims (including potential claims) in respect of its non-clinical schemes. The figures for 2016/17 were 10,686 and 4,082 respectively. NHS Resolution had 29,420 “live” claims as at 31 March 2017, and CNST claims are now settled in an average of 1.65 years, counting from the date of notification to NHS Resolution to the date when compensation is agreed or the claimant discontinues their claim

## Total number of reported CNST claims by specialty as at 31/03/18

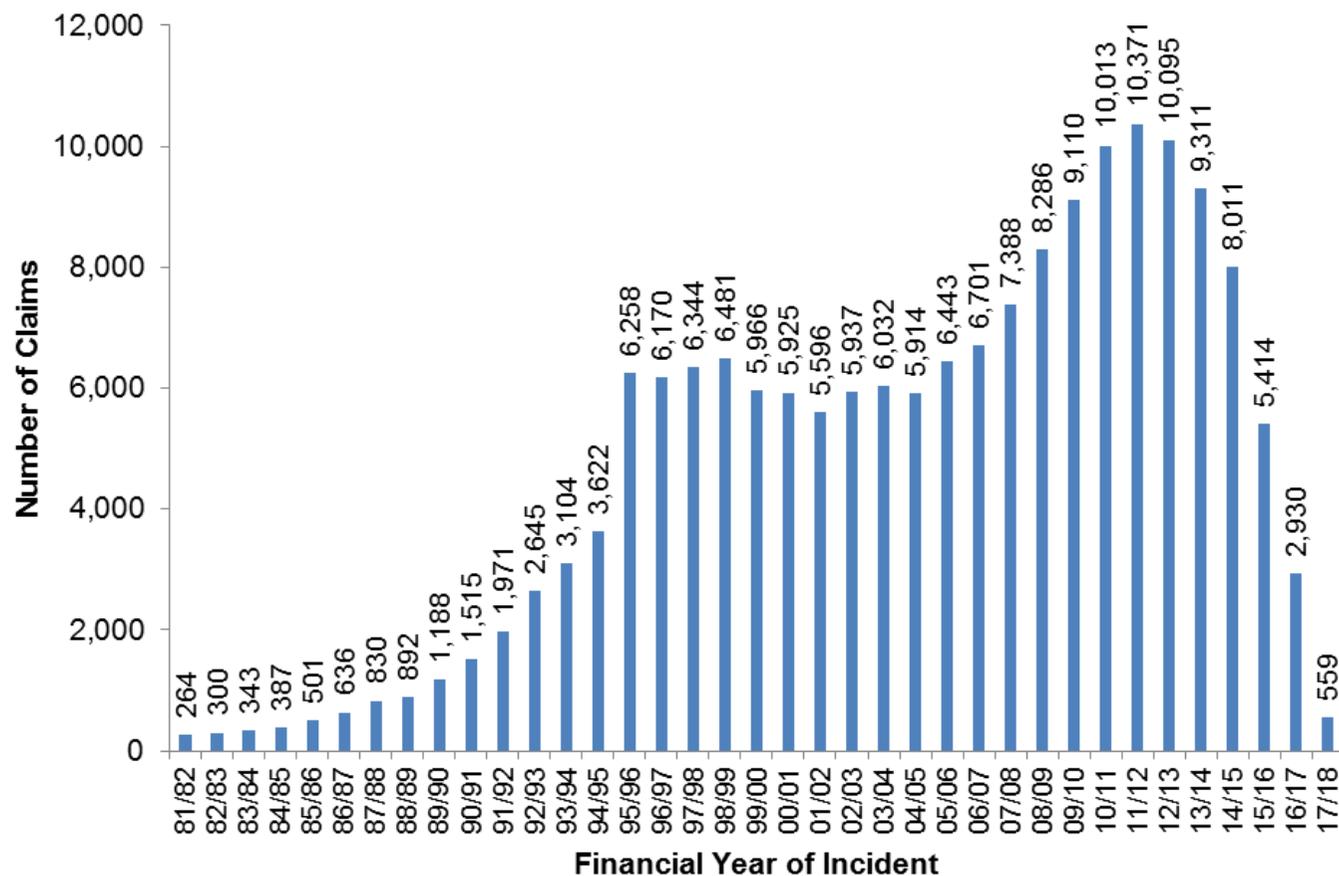
(since the scheme began in April 1995, excluding "below excess" claims handled by trusts)



**Total value of reported CNST claims by specialty as at 31/03/18**  
(since the scheme began in April 1995, excluding "below excess" claims handled by trusts)

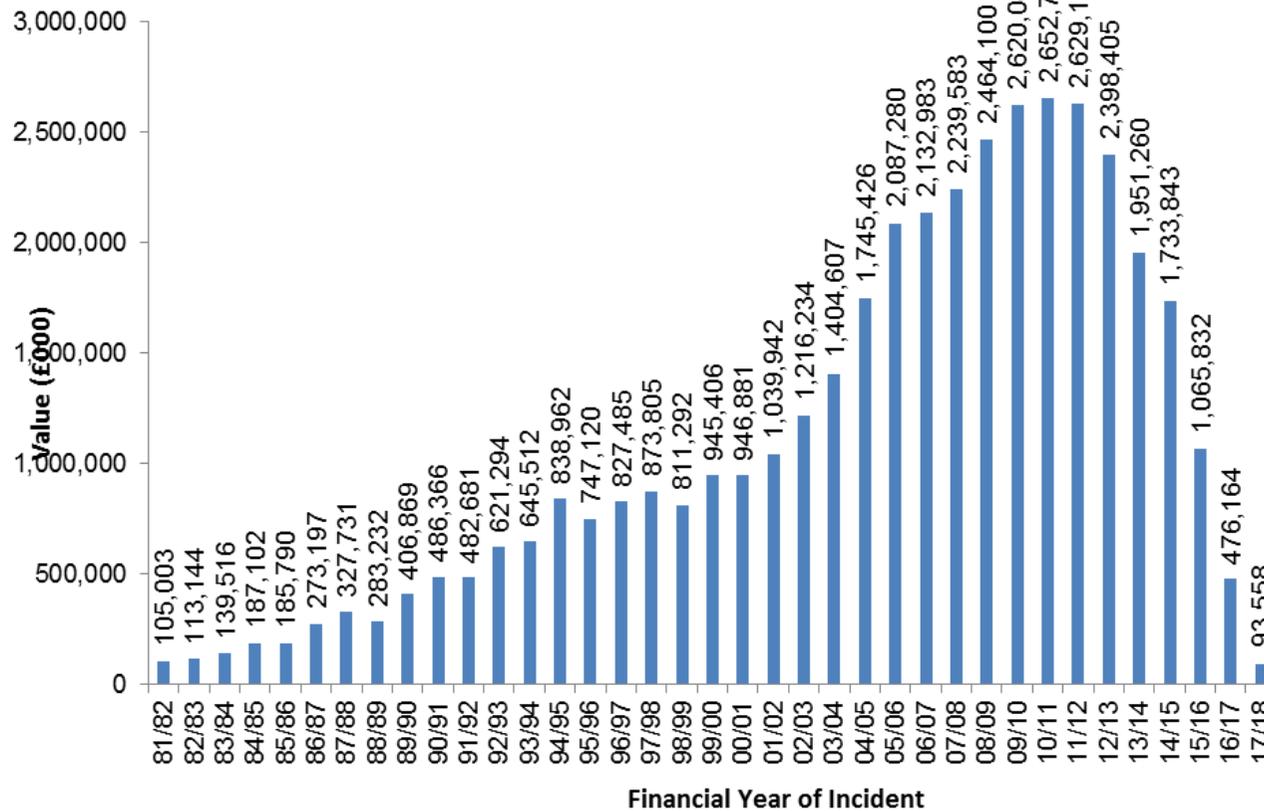


**Total number of clinical negligence claims by financial year of incident as at 31/03/18**  
(since 1981/82, all clinical negligence schemes, including "below excess" claims handled by trusts)

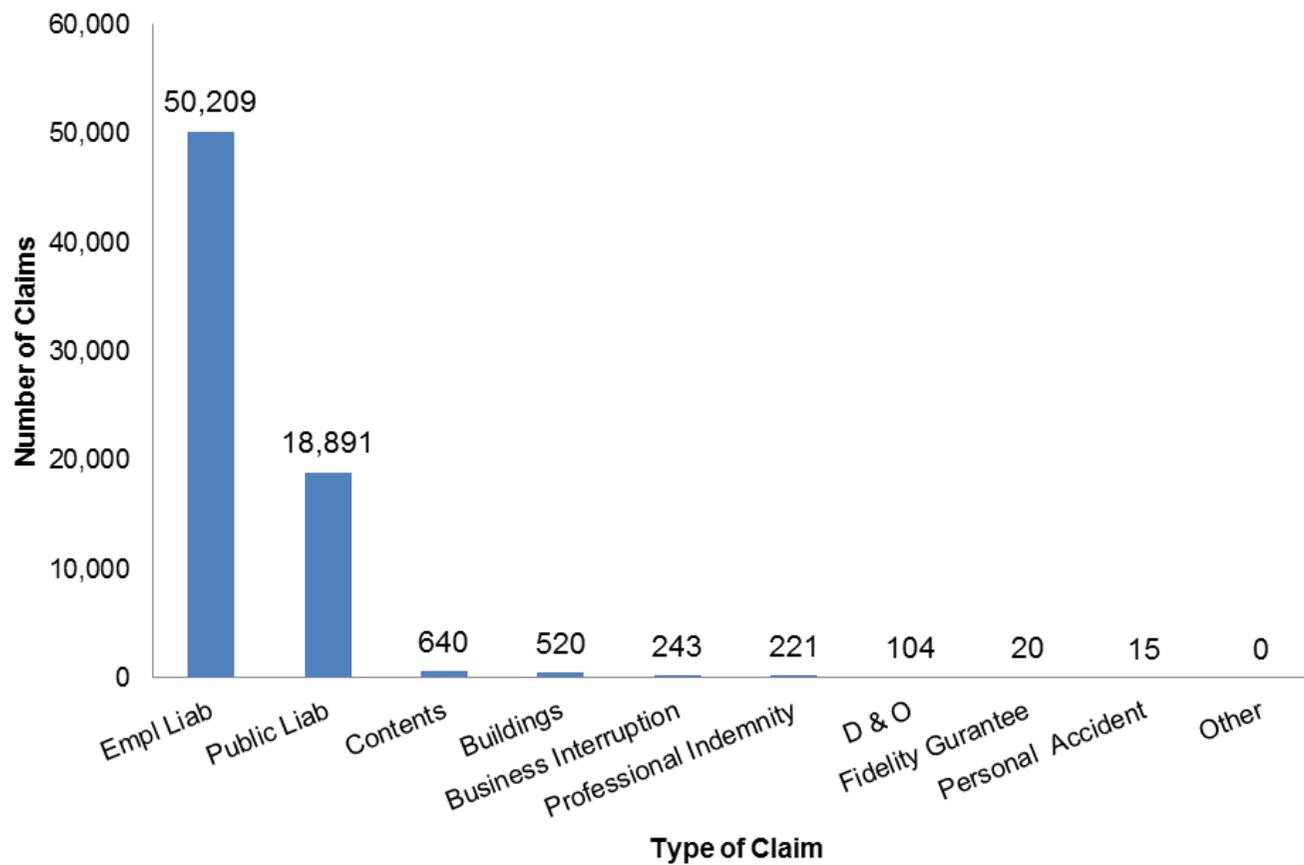


## Outstanding value of clinical negligence claims by financial year of incident as at 31/03/18

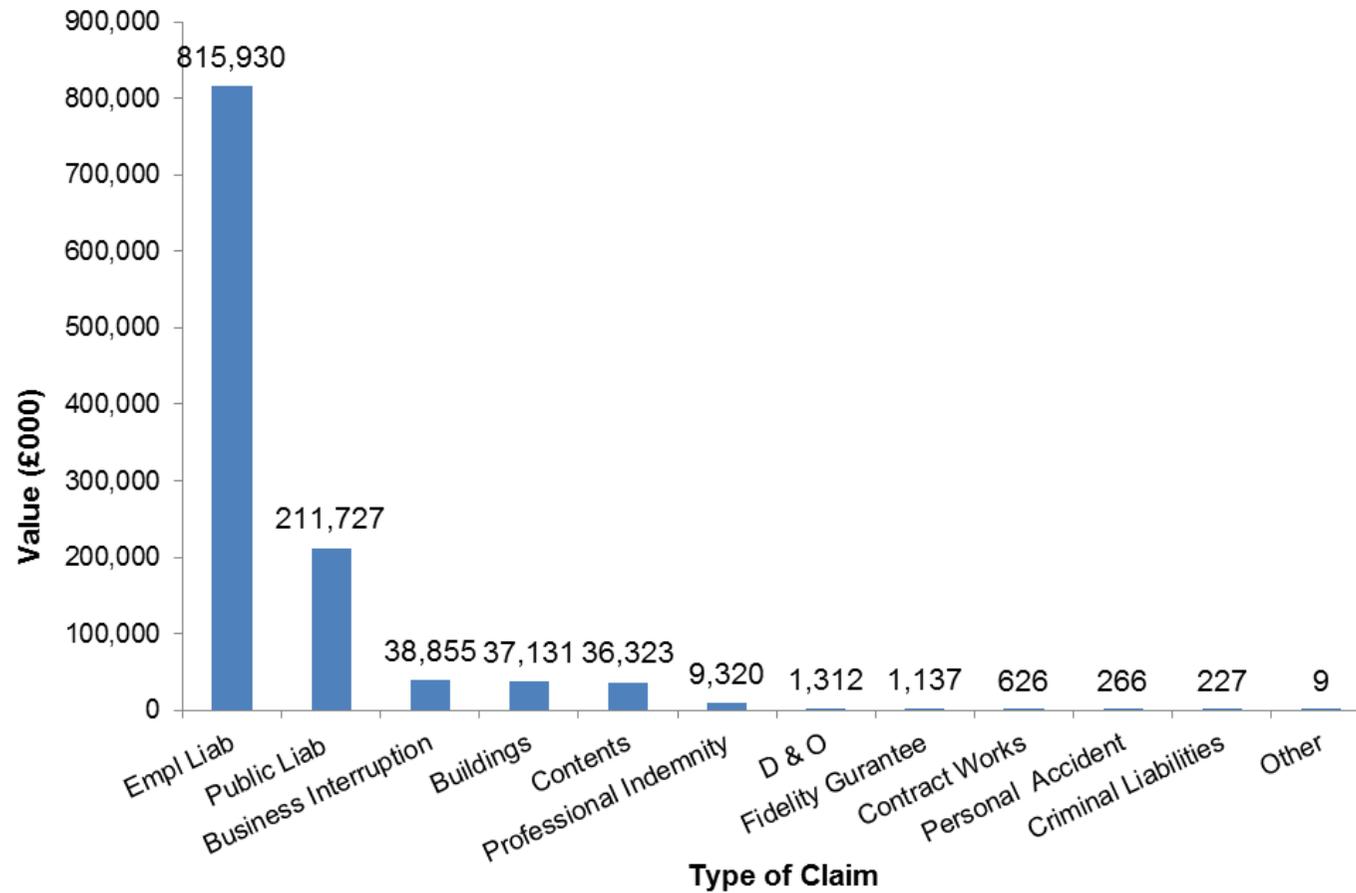
(all open claims relating to incidents from 1981/82 onwards, from all clinical negligence schemes, regardless of value)



## Number of Reported RPST Claims by Type as at 31/03/2018 (since the schemes began in April 1999)



## Total Value of Reported RPST Claims by Type as at 31/03/2018 (since the schemes began in April 1999)



## Status of claims for clinical negligence made against the NHS received since 01/04/2008 as at 31/03/18

Status	Numbers	Percentage
Resolved without a Damages Payment	29,257	30.87%
Resolved with a Damages Payment	43,628	46.04%
Resolved as a Periodical Payment	796	0.84%
Outstanding Claims Notified, Yet to be Resolved	21,089	22.25%
<b>Total ('files opened')</b>	<b>94,770</b>	<b>100.00%</b>

Note: This data does not include open incidents notified which have not yet been a claim

August 2017

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<sup>i</sup> 1 April 2000 for ELS claims and 1 April 2002 for CNST claims: on these dates, NHS Resolution took over responsibility for all existing and new claims, regardless of value