



Resolution

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October 2019
FOI_4006

The following information was requested on 20 September 2019:

- 1. In the 2018-2019 financial year please state which ten legal firms received the most money from the NHSLA in relation to claimant costs for the clinical negligence scheme (CNST)? For each of the ten firms please state how much money they received in relation to claimant costs for the clinical negligence scheme (CNST) in the financial year? For each firm also please state how many claims this represents, and the damages that were paid in these cases.*
- 2. In total how much money was paid in legal costs in 2018/19 and how this was divided between NHSLA legal costs and claimants' legal costs? How does this total figure compare with previous years' figures?*
- 3. What was the biggest settlement to a legal firm in respect of claimant's legal costs for a single case that was settled in 2018/19? For that case please state the amount of damages paid, the claimant's costs and the name of the legal firm in question and the NHSLA 'S legal costs associated with the case. Please state if the case was settled following a court hearing or not and what the injury was that the patient suffered from.*
- 4. In relation to only those cases that were settled in the 2018/19 financial year and the claimant damages paid were in excess of £100,000, which single case saw the biggest claimant's legal costs as a multiple of the claimant's damages? For that case please state the amount of damages paid, the claimant's costs and the name of the legal firm in question and the NHSLA 'S legal costs associated with the case. Please state if the case was settled following a court hearing or not and what the injury was that the patient suffered from.*
- 5. In relation to only those cases that were settled in the 2018/19 financial year and the claimant damages paid were in excess of £1,000, which single case saw the biggest claimant's legal costs as a multiple of the claimant's damages? For that case please state the amount of damages paid, the claimant's costs and the name of the legal firm in question and the NHSLA 'S legal costs associated with the case. Please state if the case was settled following a court hearing or not and what the injury was that the patient suffered from.*

Note: In relation to Q.4 and Q.5 I am after the biggest multiple. So costs of £600,000 on a case settled for £150,000 damages would be x4, and bigger than costs of £2m in a case settled for £1m which would be x2.

Our Response

Please find attached the NHS Resolution's response to your request.

Q1 - Table 1: Number of Claims and Costs for Top 10 Claimant Solicitor Firms in financial years 2017/18 & 2018/19

Q2 - Table 2: Number of Claims and Costs for Claims Closed/Settled in financial years 2017/18 & 2018/19

Q3 – Q5 - We are unable to provide the answer to Qs, 3, 4 and 5 as we believe that disclosure of information with this level of granularity is exempt under Section 40(2) by virtue of section 40(3)(a)(i) of the 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.

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.

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 [Tinku Mitra](#), Head of Corporate and Information Governance 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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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 Claims and Costs for Top 10 Claimant Solicitor Firms in financial years 2017/18 & 2018/19](#)

[Table 2: Number of Claims and Costs for Claims Closed/Settled in financial years 2017/18 & 2018/19](#)

Table 1: Number of Claims and Costs for Top 10 Claimant Solicitor Firms in financial years 2017/18 & 2018/19

Clinical_NonClinical Scheme	Clinical CNST
Claim_Outcome_FOI	(All)

Year of Closure (Settlement Year for PPOs)	No_of_Claims	Damages Paid	Defence Costs Paid	Claimant Costs Paid	Total Paid
2017/18	2,178	399,369,977	32,930,328	138,253,643	570,553,947
Irwin Mitchell	636	174,559,368	13,361,196	52,715,418	240,635,982
Slater & Gordon	384	58,525,571	4,866,140	21,555,296	84,947,006
Stewarts Law	39	23,585,039	1,970,864	12,250,394	37,806,297
Leigh Day	142	35,421,435	3,081,131	10,903,604	49,406,171
Shoosmiths Access Legal	117	16,839,461	1,759,423	8,642,609	27,241,493
JMW	109	37,342,627	2,418,409	7,524,629	47,285,665
Enable Law	170	24,120,576	1,724,982	6,511,735	32,357,293
Simpson Millar	147	16,125,014	1,813,948	6,369,327	24,308,289
Fletchers	373	7,275,779	1,005,846	6,184,433	14,466,058
Gadsby Wicks	61	5,575,108	928,389	5,596,196	12,099,693
2018/19	2,568	509,503,084	37,201,990	139,084,758	685,789,832
Irwin Mitchell	690	237,865,196	14,452,588	50,249,978	302,567,762
Slater & Gordon	366	81,387,835	5,920,104	20,686,604	107,994,543
Fletchers	720	14,458,979	2,638,054	12,819,947	29,916,981
Stewarts Law	43	24,974,029	2,335,587	12,683,254	39,992,870
Leigh Day	111	40,091,115	2,962,967	11,524,044	54,578,125
Shoosmiths Access Legal	106	32,858,279	2,539,277	7,823,116	43,220,671
Enable Law	86	11,577,205	1,669,812	6,859,142	20,106,158
JMW	109	45,756,797	2,208,416	6,489,092	54,454,306
Gadsby Wicks	67	10,499,447	1,046,608	5,093,672	16,639,726
Thompsons	270	10,034,202	1,428,577	4,855,910	16,318,689
Grand Total	4,746	908,873,061	70,132,318	277,338,401	1,256,343,779

Table 2: Number of Claims and Costs for Claims Closed/Settled in financial years 2017/18 & 2018/19

Clinical_NonClinical Scheme	Clinical CNST
Claim_Outcome_FOI	(All)

Year of Closure (Settlement Year for PPOs)	No_of_Claims	Damages Paid	Defence Costs Paid	Claimant Costs Paid	Total Paid
2017/18	10,927	1,106,481,832	115,414,902	425,644,163	1,647,540,898
2018/19	10,999	1,344,286,121	126,001,722	411,290,099	1,881,577,943
Grand Total	21,926	2,450,767,954	241,416,624	836,934,263	3,529,118,841