



# Resolution

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December 2019  
FOI\_4113

The following information was requested on 19 November 2019:

*Based on data released by NHS Resolution covering the period up to 31<sup>st</sup> March 2019.*

*NHS Resolution estimates the provision for claims for clinical negligence indemnified by NHS Resolution has increased to £83.4 billion as of 21<sup>st</sup> March 2019. What proportion of that £83.4 billion consists of legal fees? By Legal fees I mean for both defence and claimant? Please break that figures down into Defence and Claimant.*

## Our Response

We do not calculate the non-clinical schemes in a way that provides the split by damages and costs.

Please see below a table that provides the total clinical negligence balance as at 31.03.19 split between Damages, NHS Legal Costs and Claimant Legal Costs. Please note some figures have been rounded off.

Scheme	All Clinical Schemes Provision @ 31.03.19			
	Damages, incl PPO (£bn)	NHS Legal Costs (£bn)	Claimant Legal Costs (£bn)	Total (bn)
CNST	73.4	0.9	3.3	<b>77.6</b>
ELS	1.4	0.0	0.0	<b>1.5</b>
DHSC Clinical	3.9	0.0	0.0	<b>3.9</b>
	<b>78.7</b>	<b>0.9</b>	<b>3.4</b>	<b>83.0</b>

The different scheme types are explained [here](#).

## 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