



Resolution

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June 2020

FOI_4581

The following information was requested on 18 May 2020:

I would like to ask for information on Clinical Negligence Scheme for Trusts. England wide and concerning my two local NHS trusts.

Does Resolution NHS have a record of legal costs for clinical negligence cases?

If so I would like to know how much Resolution NHS spends on legal fees for the last three tax full years, i.e. solicitor fees, evidence and court fees in pounds (£) throughout England's NHS Trusts on clinical negligence cases brought on by claimants? Separating settled cases and those that are in process not settle.

How much legal fees is used by Oxford University Hospitals NHS Foundation Trust in pounds (£) for each of the last three full tax years? Separating settled cases and those that are in process.

How much legal fees is used by Oxford Health NHS Foundation Trust in pounds (£) for each of the last three full tax years? Separating settled cases and those that are in process not settle yet.

Tax years

April 2019

April 2018

April 2017

Our Response

Please note we are currently unable to provide the information for the period 19/20 as our annual account and reports for this period is subject to auditing and verification which means data for this period will not be ready until the end of July 2020. We have provided you with the data for the following periods: 2017/18 and 2018/19. We hope this is satisfactory.

We have suppressed low figures 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. 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. Where we are in the territory of such small numbers in the attached, we have used a '#' symbol in the relevant field. You should still be able to see aggregate/total details for higher level fields containing this data.

If you would like to know how data is categorised in our Claims database please see the following link: [Glossary](#)

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

<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.

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[Table 2: Number and Cost of Claims Closed/Settled with legal costs paid between financial years CNST Settled cases only T679 Oxford University Hospitals NHS Foundation Trust](#)

[Table 3: Number and Cost of Claims Closed/Settled with legal costs paid between financial years CNST settled cases only T657 Oxford Health NHS Foundation Trust](#)

Table 1: Number and Cost of Claims Closed/Settled with legal costs paid between financial years All Trusts CNST Claims. Settled cases only

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)	No. of Claims	NHS Legal Costs Paid	Claimant Legal Costs Paid
2017/18	6,754	99,782,042	430,908,710
2018/19	6,864	108,181,640	433,736,523
Grand Total	13,618	207,963,682	864,645,233

**Table 2: Number and Cost of Claims Closed/Settled with legal costs paid between financial years
 CNST Settled cases only T679 Oxford University Hospitals NHS Foundation Trust**

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)	No. of Claims	NHS Legal Costs Paid	Claimant Legal Costs Paid
2017/18	70	1,324,996	5,997,385
2018/19	45	1,171,098	5,052,208
Grand Total	115	2,496,094	11,049,592

Table 3: Number and Cost of Claims Closed/Settled with legal costs paid between financial years CNST settled cases only T657 Oxford Health NHS Foundation Trust

Year of Closure (Settlement Year for PPOs)	No. of Claims	NHS Legal Costs Paid	Claimant Legal Costs Paid
2017/18	#	#	#
2018/19	5	98,115	444,163
Grand Total	#	#	#