



Resolution

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July 2021
FOI_5092

The following information was requested on 10th June and clarified on 21 June 2021:

Can you tell me, please, how many complaints have been referred for mediation and how many have been settled by mediation? Do you have a breakdown of when these cases were settled in relation to the timing of referral and how many steps along the usual pathway had been pursued before mediation was considered to be the best next step? Were any of the mediations at the Trust level initially?

[Clarification received on 21 June 2021]

I am wholeheartedly in favour of mediation as the preferred option for resolving alleged cases of alleged medical negligence. What I was trying to discover is whether NHSR has any way of identifying, in those cases that go to mediation, at what stage in the 'patient journey' mediation has been offered and accepted.

My understanding is that solicitors are required to include mediation as an option when advising their clients. I am asking whether there is any evidence of how many case of mediation are the result of a patient pursuing that option from the very beginning of their complaint. As far as I know mediation is never offered by Hospital NHS Trusts.

My question is simply how many cases have been referred for mediation each year and, if the information is available, at what stage.

Our Response

Please note we would not hold information in terms of what mediation is routinely offered by Trusts prior to a claim being notified to NHS Resolution.

Please note when what started out as a complaint (at the Trust) reaches NHS Resolution, it is by then a formal claim for compensation, and we do not record in our Claims Management System at what stage of the claims process we offer, or accept an offer, of mediation.

However, in February 2020 we published an evaluation of mediations with a chart showing the stage of a claim when a mediation occurs.

This was based on data provided by our legal panel. Please see the following link for details:

<https://resolution.nhs.uk/wp-content/uploads/2020/02/NHS-Resolution-Mediation-in-healthcare-claims-an-evaluation.pdf>

We hope the chart on page 10 of the above link is useful to you.

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/>