



Resolution

8th Floor,
10 South Colonnade
Canary Wharf
London
E14 4PU

Telephone: 020 7811 2700

November 2022

FOI_5628

The following information was requested on 18 October 2022:

- 1. The average compensation figure for a claim relating to cerebral palsy over the past ten years*
- 2. The average compensation figure for a claim relating to Erb's Palsy over the past ten years*

Our Response

Thank you for your request for information. Please find attached the requested information. Please note we only hold information for England.

Please note claims notified/received and open are not guaranteed to be settled in the same year and can take many years to be concluded. Claims notified/received in any given year will often relate to incidents that have occurred many years prior. Due to the nature of clinical negligence claims and the level of investigation needed to bring them to a resolution, claims received and notified in a specific year may take years to settle.

Many of the claims notified will have been repudiated and settled without damages paid.

Table 1 shows – Number, Average and Median Costs of Claims Closed between financial years 2011/12 and 2021/22 with damages paid where the injury was **Cerebral Palsy/ Brain Damage** (includes the damages paid to date for any claims settled on a periodical payment order basis).

Table 2 shows – Number, Average and Median Costs of Claims Closed between financial years 2011/12 and 2021/22 with damages paid where the Primary Injury was **Erb's Palsy** (includes the damages paid to date for any claims settled on a periodical payment order basis).

PPOs -

The information disclosed includes damages paid out in the relevant period under Periodical payment orders (PPO) previously agreed on cases, which may have been resolved several years ago. It does not include sums, which have been committed on settlements in the relevant period under a PPO, which may not be paid out until future years. PPOs are an agreement between the parties, to pay an initial lump sum and regular future payments covering the injured party's ongoing care needs, usually for life i.e. a percentage of the full value of the claim is paid at the point of settlement with the balance paid at regular intervals over subsequent years.

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](#), Deputy Director of Corporate and Information Governance, Data Protection Officer 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/>

TABLE OF CONTENTS

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, Average Costs and Median Costs of Claims Closed between financial years 2011/12 and 2021/22 with damages paid where the injury was Cerebral Palsy/ Brain Damage (includes the damages paid to date for any claims settled on a periodical payment order basis)

Table 2: Number, Average Costs and Median Costs of Claims Closed between financial years 2011/12 and 2021/22 with damages paid where the Primary Injury was Erb's Palsy (includes the damages paid to date for any claims settled on a periodical payment order basis)

Table 1: Number, Average Costs and Median Costs of Claims Closed between financial years 2011/12 and 2021/22 with damages paid where the injury was Cerebral Palsy/ Brain Damage (includes the damages paid to date for any claims settled on a periodical payment order basis)

FOI View	Closed Settled
Claim_Outcome	Successful
CP/BD at Notification	Y

No. of Claims	Average of Damages Paid	Average of NHS Legal Costs Paid	Average of Claimant Legal Costs Paid	Average of Total Paid
2,456	1,858,079	87,440	220,849	2,166,369

FOI View	Closed Settled
Claim_Outcome	Successful
CP/BD at Notification	Y

No. of Claims	Median of Damages Paid	Median of NHS Legal Costs Paid	Median of Claimant Legal Costs Paid	Median of Total Paid
2,456	1,347,500	86,031	183,250	1,670,954

Table 2: Number, Average Costs and Median Costs of Claims Closed between financial years 2011/12 and 2021/22 with damages paid where the Primary Injury was Erb's Palsy (includes the damages paid to date for any claims settled on a periodical payment order basis)

FOI View	Closed Settled
Claim_Outcome	Successful
Injury1L1	Erb's Palsy

No. of Claims	Average of Damages Paid	Average of Defence Costs Paid	Average of Claimant Costs Paid	Average of Total Paid
290	383,482	42,231	123,154	548,866

FOI View	Closed Settled
Claim_Outcome	Successful
Injury1L1	Erb's Palsy

No. of Claims	Median of Damages Paid	Median of Defence Costs Paid	Median of Claimant Costs Paid	Median of Total Paid
290	315,000	37,947	105,500	474,866