



# Resolution

8<sup>th</sup> Floor,  
10 South Colonnade  
Canary Wharf  
London  
E14 4PU

**Telephone:** 020 7811 2700

March 2023  
FOI\_5774

The following information was requested on 18 January 2023, with further clarification made on 20<sup>th</sup> January 2023:

*“Please see below FOI request. Can you please complete the table with the accurate information?”*

*Please let me know if anything needs clarifying.*

<i>Financial Year</i>	<i>Number of CNST claims per year reported to NHR (Trusts only)</i>	<i>Number of CNST claims per year that resulted in some form of damages paid to the Claimant (irrespective of incident date) (Trusts only)</i>	<i>Number of CNST claims taken to trial where liability is disputed (irrespective of incident date) (Trusts only)</i>
<i>2019 – 2020</i>			
<i>2020 – 2021</i>			
<i>2021 – 2022</i>			

*On 20<sup>th</sup> January, you confirmed you wanted data for all NHS Trusts”*

## Our Response

Please find attached the requested information. Please note we only hold information for England.

**Table 1:** The Number of CNST Claims and Incidents Notified/received between financial years 2019/20 and 2021/22.

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.

Please also note that the data shows a variation in the number of claims received during this period. This is a reflection of the nature of individual claims received by NHS Resolution, which can vary significantly. As such, these fluctuations cannot be interpreted as trends.

**Table 2:** The Number and Cost of CNST Claims between financial years 2019/20 and 2021/22 with Damages Paid, broken down by Closure year (includes the damages paid to date for any claims settled on a periodical payment order basis).

Please also note that the data shows variation in damages and costs paid in the relevant financial years. This is a reflection of the nature of individual claims received by NHS Resolution, which can vary significantly. As such, year on year fluctuations cannot necessarily be interpreted as trends.

**Table 3:** The Number of CNST Claims that were closed between financial years 2019/20 and 2021/22 that went to Trial and outcome at trial.

#### **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](#)

Further to our obligations to provide advice and assistance, you may find it helpful to review the work of the [Getting It Right First Time team](#) with whom NHS Resolution has been working with to undertake in-depth analysis of our claims data. They have produced a number of [reports](#) from analysing our claims data which has been shared following approval of the confidentiality advisory group to the use of confidential patient information for this purpose.

#### **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: The Number of CNST Claims and Incidents Notified between financial years 2019/20 and 2021/22](#)

[Table 2: The Number and Cost of CNST Claims between financial years 2019/20 and 2021/22 with Damages Paid, broken down by Closure Year \(includes the damages paid to date for any claims settled on a periodical payment order basis\)](#)

[Table 3: The Number of CNST Claims that were closed between financial years 2019/20 and 2021/22 that went to Trial and outcome at trial.](#)

**Table 1: The Number of CNST Claims and Incidents Notified between financial years 2019/20 and 2021/22**

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FOI View scheme	Notified CNST
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Year of Notificati	No. of Claims
2019/20	11,145
2020/21	10,760
2021/22	10,226
<b>Grand Total</b>	<b>32,131</b>

**Table 2: The Number and Cost of CNST Claims between financial years 2019/20 and 2021/22 with Damages Paid, broken down by Closure Year (includes the damages paid to date for any claims settled on a periodical payment order basis)**

FOI View scheme	Closed Settled CNST
Claim_Outcome	Successful

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2019/20	7,584	1,179,167,645	107,089,050	402,638,164	1,688,894,860
2020/21	6,557	1,169,505,099	102,440,751	370,341,951	1,642,287,802
2021/22	7,339	1,441,425,911	122,279,610	464,167,488	2,027,873,008
<b>Grand Total</b>	<b>21,480</b>	<b>3,790,098,655</b>	<b>331,809,412</b>	<b>1,237,147,603</b>	<b>5,359,055,670</b>

Table 3: The Number of CNST Claims that were closed between financial years 2019/20 and 2021/22 that went to Trial and outcome at trial.

FOI View scheme Went to Trial?	Closed Settled CNST Y
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Year of Closure (Settlement Year for PPOs)	No. of Claims
<b>2019/20</b>	
Successful	22
Unsuccessful	40
<b>2020/21</b>	
Successful	15
Unsuccessful	32
<b>2021/22</b>	
Successful	15
Unsuccessful	36
<b>Grand Total</b>	<b>160</b>