



Resolution

8th Floor,
10 South Colonnade
Canary Wharf
London
E14 4PU
Telephone: 020 7811 2700

February 2024
FOI_6363

The following information was requested on 11 January 2024:

I am making a Freedom of Information request for the following:

- *The average value of legal costs NHS Resolution has paid to claimants in cases for each of the following financial years: 2018-19, 2019-20, 2020-21, 2021-22, 2022-23*
- *The average value of legal costs NHS Resolution has paid to claimants in cases involving a stillbirth for each of the following financial years: 2018-19, 2019-20, 2020-21, 2021-22, 2022-23*
- *The average value of legal costs NHS Resolution has paid to claimants in cases involving a newborn death for each of the following financial years: 2018-19, 2019-20, 2020-21, 2021-22, 2022-23*
- *The average value of legal costs NHS Resolution has paid to claimants in cases involving the death of a child who was not a newborn for each of the following financial years: 2018-19, 2019-20, 2020-21, 2021-22, 2022-23*
- *The average value of legal costs NHS Resolution has paid to claimants in cases involving the death of an adult for each of the following financial years: 2018-19, 2019-20, 2020-21, 2021-22, 2022-23*

Our Response

Please find attached the requested information we are able to provide. This information only covers England and not the rest of the UK.

Please note: We have recently changed the way we report on our FOIs to align better with our published documents. Streamlining our reporting on FOIs with our annual published reports may mean a variation in snapshot dates. This means this data may not align with previous similar requests and it may not be possible for you to compare this information with a previous request. For further information, please refer to <https://resolution.nhs.uk/resources/understanding-nhs-resolution-data>.

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 and close. They are not guaranteed to be settled and closed in the same year. As such, there will be a time gap between incident and claim closure.

The attached tables relate to all Clinical Claims where the claimant received a damages payment. Please note the data relates to the average **legal costs** paid to Claimant solicitors or claimants directly.

The data shows variation in the average claimant costs paid per year. This is a reflection of the nature of individual claims received and resolved by NHS Resolution, which can vary significantly. As such, these fluctuations cannot be interpreted as trends.

Table 1 shows: - The Average Claimant Legal Costs Paid for **all** Clinical Claims Closed (or settled with a periodical payment order) between financial years '2018/19' and '2022/23' with a damages payment.

Table 2 shows: - The Average Claimant Legal Costs Paid for Clinical Claims Closed between financial years '2018/19' and '2022/23' with a damages payment where any injury is 'Stillborn'.

Table 3 shows: - The Average Claimant Legal Costs Paid for Clinical Claims Closed (or settled with a periodical payment order) between financial years '2018/19' and '2022/23' with a damages payment where any injury is 'Fatality', and the patient is a newborn (age at incident is 0 - 28 days old).

Table 4 shows: - The Average Claimant Legal Costs Paid for Clinical Claims Closed between financial years '2018/19' and '2022/23' with a damages payment where any injury is 'Fatality' and the patient is a child (age at incident is from 29 days old to less than 18 years).

Table 5 shows: - The Average Claimant Legal Costs Paid for Clinical Claims Closed (or settled with a periodical payment order) between financial years '2018/19' and '2022/23' with a damages payment where any injury is 'Fatality' and the patient is an adult (18yrs and above at incident date).

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.

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/>

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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.

[Table 1: The Average Claimant Costs Paid for Claims Closed \(or settled with a periodical payment order\) between financial years '2018/19' and '2022/23' with a damages payment.](#)

[Table 2: The Average Claimant Costs Paid for Claims Closed between financial years '2018/19' and '2022/23' with a damages payment where any injury is 'Stillborn'.](#)

[Table 3: The Average Claimant Costs Paid for Claims Closed \(or settled with a periodical payment order\) between financial years '2018/19' and '2022/23' with a damages payment where any injury is 'Fatality' and the patient is newborn\(age at incident up to 28 days\).](#)

[Table 4: The Average Claimant Costs Paid for Claims Closed between financial years '2018/19' and '2022/23' with a damages payment where any injury is 'Fatality' and the patient is a child\(age at incident from 29 days to less than 18 years\).](#)

[Table 5: The Average Claimant Costs Paid for Claims Closed \(or settled with a periodical payment order\) between financial years '2018/19' and '2022/23' with a damages payment where any injury is 'Fatality' and the patient is an adult\(age at incident from 18 years and above\).](#)

Table 1: The Average Claimant Costs Paid for Claims Closed (or settled with a periodical payment order) between financial years '2018/19' and '2022/23' with a damages payment.

Clinical Claim_Outcome	Clinical Successful
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Year of Closure	Average of Claimant Costs Paid
2018/19	63,227
2019/20	56,596
2020/21	60,606
2021/22	64,884
2022/23	63,169

Table 2: The Average Claimant Costs Paid for Claims Closed between financial years '2018/19' and '2022/23' with a damages payment where any injury is 'Stillborn'.

Clinical Claim_Outcome Stillborn Flag	Clinical Successful Y
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Year of Closure	Average of Claimant Costs Paid
2018/19	44,764
2019/20	35,176
2020/21	38,021
2021/22	46,613
2022/23	58,170

Table 3: The Average Claimant Costs Paid for Claims Closed (or settled with a periodical payment order) between financial years '2018/19' and '2022/23' with a damages payment where any injury is 'Fatality' and the patient is newborn(age at incident up to 28 days).

Clinical Claim_Outcome Patient Flag	Clinical Successful Newborn
Year of Closure (Settlement Year for PPOs)	Average of Claimant Costs Paid
2018/19	48,764
2019/20	59,440
2020/21	56,037
2021/22	86,056
2022/23	59,717

Table 4: The Average Claimant Costs Paid for Claims Closed between financial years '2018/19' and '2022/23' with a damages payment where any injury is 'Fatality' and the patient is a child(age at incident from 29 days to less than 18 years).

Clinical	Clinical
Claim_Outcome	Successful
Patient Flag	Child

Year of Closure	Average of Claimant Costs Paid
2018/19	55,202
2019/20	59,425
2020/21	43,797
2021/22	66,194
2022/23	58,219

Table 5: The Average Claimant Costs Paid for Claims Closed (or settled with a periodical payment order) between financial years '2018/19' and '2022/23' with a damages payment where any injury is 'Fatality' and the patient is an adult(age at incident from 18 years and above).

Clinical Claim_Outcome Patient Flag	Clinical Successful Adult	
Year of Closure (Settlement Year for PPOs)		Average of Claimant Costs Paid
2018/19		49,845
2019/20		46,525
2020/21		46,630
2021/22		55,247
2022/23		53,371