



# Resolution

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

October 2024  
FOI\_6793

The following information was requested on 7 October 2024 and clarified on 10 October 2024:

*[You requested the following on 7 October 2024]:*

- 1. I would like to get the legal costs (lawyer fees only) of clinical negligence claims for Cerebral Palsy for the past ten years.*
- 2. What is the highest legal costs (legal fees only) paid out in a single claim for the past 10 years or historically*
- 3. What is the average legal costs (legal fees only) of a clinical negligence claim for cerebral palsy to the NHS*

*[We sought clarification on 10 October 2024]:*

*Thank you for your request below. Before we can respond, please could you clarify the below:*

- 1. We can't provide "lawyer fees" – we can only provide breakdown by legal cost (either NHS or claimant)*
- 2. Does it relate to NHS or claimant legal cost?*
- 3. Does this relate to NHS or claimant legal costs and over what time period they would like the average cost to be calculated?*

*We look forward to hearing from you. Your request will be put on hold until then.*

*[You replied on 10 October 2024]:*

*Thanks for reaching out, please note the following responses to your questions*

- 1. Can you provide both Claimants legal costs and NHS legal costs*
- 2. If you can provide the information from 2000-2024.*

*If you can also tell me the highest Claimants costs and NHS costs for a cerebral palsy matter that would also be appreciated.*

## **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. We are able to provide claims data in financial years from 2006/07 – 2023/24.

**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>.

For this request we have used our Supplementary Annual Statistics (SAS) dataset to ensure the averages represent the most up to date information. For further information about our SAS dataset please see: [Annual statistics \(including Factsheet 5\) - NHS Resolution](#). Therefore, our response to this request may not align with other publications on our website.

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.

**Table 1 shows:** - Legal Costs of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2006/07 and 2023/24 with a damages payment, where the claim is in relation to 'Cerebral Palsy/ Brain Damage'. The data includes the legal costs paid up until the end of the 2023/24 financial year.

Please note that legal costs include lawyers' fees and additional disbursements e.g. fees paid to experts, counsel and the court associated with the management of the claims.

**Table 2 show:** - Average Legal Costs of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2006/07 and 2023/24 with a damages payment, where the claim is in relation to 'Cerebral Palsy/ Brain Damage'. The data includes the legal costs paid up until the end of the 2023/24 financial year.

**Table 3 shows:** - The range for the highest claimant legal cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2006/07 and 2023/24 with a damages payment where the claim is in relation to 'Cerebral Palsy/ Brain Damage'.

Please note our low numbers refusal notice below for an explanation for why we have provided a range and cannot provide the actual figure.

**Table 4 shows:** - The range for the highest NHS legal cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2006/07 and

2023/24 with a damages payment where the claim is in relation to 'Cerebral Palsy/ Brain Damage.

Please note our low numbers refusal notice below for an explanation of why we have provided a range and cannot provide the actual figure.

### **PPOs**

PPOs are an agreement between the parties, to pay an initial lump sum and regular future payments (PPO damages) related to the injured party's ongoing needs, usually care for life i.e., a percentage of the full value of the claim is paid at the point of settlement (lump sum damages) with the balance paid at regular intervals over subsequent years. The information disclosed includes the averages as it relates to, costs paid out in each of the relevant financial years.

### **Low figures**

We have provided the range for the highest Claimants costs and NHS costs as we do not disclose information about individual claims, as we believe that disclosure of information with this level of granularity is exempt under Section 40(2) by virtue of section 40(3A) (a) of the FOI 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 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. We hope that providing you with the range is helpful.

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/>

## 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: Legal Costs of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2006/07 and 2023/24 with a damages payment, where the claim is in relation to 'Cerebral Palsy/ Brain Damage'. The data includes the legal costs paid up until the end of the 2023/24 financial year.

Table 2: Average Legal Costs of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2006/07 and 2023/24 with a damages payment, where the claim is in relation to 'Cerebral Palsy/ Brain Damage'. The data includes the legal costs paid up until the end of the 2023/24 financial year.

Table 3: The range for highest claimant legal cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2006/07 and 2023/24 with a damages payment where the claim is in relation to 'Cerebral Palsy/ Brain Damage'.

Table 4: The range for highest NHS legal cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2006/07 and 2023/24 with a damages payment where the claim is in relation to 'Cerebral Palsy/ Brain Damage.'

**Table 1: Legal Costs of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2006/07 and 2023/24 with a damages payment, where the claim is in relation to 'Cerebral Palsy/ Brain Damage'. The data includes the legal costs paid up until the end of the 2023/24 financial year.**

Year of Closure (Settlement Year for PPOs)	NHS Legal Costs Paid	Claimant Legal Costs Paid
2006/07	13,630,459	26,280,976
2007/08	15,470,996	34,102,222
2008/09	21,209,767	46,985,439
2009/10	15,848,821	37,122,678
2010/11	17,755,661	42,368,003
2011/12	20,330,347	53,678,600
2012/13	17,889,142	52,813,851
2013/14	17,005,115	52,577,608
2014/15	16,907,663	54,501,012
2015/16	18,243,518	62,031,633
2016/17	19,623,594	63,328,890
2017/18	22,554,335	81,599,343
2018/19	28,539,049	90,049,637
2019/20	23,957,671	80,987,036
2020/21	21,896,323	73,748,299
2021/22	21,462,279	79,962,575
2022/23	29,875,882	104,212,287
2023/24	27,820,322	76,631,779
<b>Grand Total</b>	<b>370,020,946</b>	<b>1,112,981,867</b>

Table 2: Average Legal Costs of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2006/07 and 2023/24 with a damages payment, where the claim is in relation to 'Cerebral Palsy/ Brain Damage'. The data includes the legal costs paid up until the end of the 2023/24 financial year.

Year of Closure (Settlement Year for PPOs)	Average NHS Legal Costs Paid	Average Claimant Legal Costs Paid
2006/07	82,609	159,279
2007/08	84,541	186,351
2008/09	104,999	232,601
2009/10	88,541	207,389
2010/11	85,364	203,692
2011/12	92,411	243,994
2012/13	80,582	237,900
2013/14	82,150	253,998
2014/15	90,415	291,449
2015/16	100,239	340,833
2016/17	88,795	286,556
2017/18	93,976	339,997
2018/19	110,616	349,030
2019/20	98,187	331,914
2020/21	99,529	335,220
2021/22	87,245	325,051
2022/23	102,315	356,891
2023/24	104,982	289,177
<b>Grand Total</b>	<b>93,890</b>	<b>282,411</b>

Table 3: The range for highest claimant legal cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2006/07 and 2023/24 with a damages payment where the claim is in relation to 'Cerebral Palsy/ Brain Damage.'

---

Highest Claimant Legal Costs Paid
3,000,000 - 3,500,000

Table 4: The range for highest NHS legal cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2006/07 and 2023/24 with a damages payment where the claim is in relation to 'Cerebral Palsy/ Brain Damage.'

---

Highest NHS Legal Costs Paid
750,000 - 800,000