



Resolution

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April 2026
FOI_7766

The following information was requested on 05 March 2026:

In each of the last five years for which figures are available, how many clinical negligence cases brought against the NHS in England were funded by:

- 1. a conditional fee agreement;*
- 2. legal aid; or*
- 3. by some other form of funding.*

How many cases in each of these categories resulted in a compensation payment

Our Response

Please find attached the information requested. Please note we only hold information for England and not for the rest of the UK.

NB: 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 [Understanding NHS Resolution data - NHS Resolution](#).

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. Not all claims received will result in an award of compensation.

The data shows variation in numbers of cases received, closed per year and costs attributed to those claims. This is a reflection of the nature of individual claims received and resolved by NHS Resolution, which can vary significantly. In some circumstances, volumes of reported / settled / closed cases may be impacted by multiple claims relating to one cause of action. As such, these fluctuations cannot be interpreted as trends.

Due to the way in which data is extracted, it is also possible that the same claim may appear more than once in a dataset, across different year groups e.g. where the case has been closed (as nil damages payment), challenged, reopened, and closed again at conclusion.

The data provided covers our Clinical schemes. For information about our Clinical Negligence Scheme, please visit our website here: [Clinical schemes - NHS Resolution](#). Specifically, please note that since April 2019 NHS Resolution has administered general practice indemnity under the following schemes:

- **Clinical Negligence Scheme for General Practice (CNSGP)**, which covers clinical negligence claims for incidents occurring in general practice on or after 1 April 2019.
- **Existing Liabilities Scheme for General Practice (ELSGP)** which covers historic NHS clinical negligence of staff of GP members of participating medical defence organisations occurring before 1 April 2019. This scheme currently covers historical liabilities for those who were members of the Medical and Dental Defence Union of Scotland or the Medical Protection Society at the time of the, and general practice staff working for members at the time of that incident.

Please find attached the following tables:

Table 1 shows: - Number of Clinical Claims and Incidents Notified between financial years '2020/21' and '2024/25', broken down by **Claimant Funding Type**.

Please note that the volume of clinical negligence claims and reported incidents received in 2021/22 is predominantly due to the maturing of our general practice indemnity book and we received a large volume of Existing Liability Scheme for General Practice (ELSGP) in that year. For more information please refer to our Annual Report and Accounts, specifically for 2021/22 ([NHS Resolution - Annual report and accounts 2021/22](#)).

Table 2 shows: - Number of Clinical Claims Closed (or settled with a periodical payment order) between financial years '2020/21' and '2024/25' with a damages payment, broken down by **Claimant Funding Type**.

Funding type information is recorded on our case management system on the basis of information available to the case manager at the time. This may not be available when the case is first reported but is reviewed and updated through the life of the case. In particular, in 2021/22, due to the way in which information was passed when ELSGP cases were transferred to NHS Resolution, in a significant volume the funding was recorded as "other" at the point of transfer and subsequently updated.

PPOs

The information disclosed includes damages paid up to the end of the settlement year (in Periodical payment order (PPO) cases) and up to the end of the closure year in non-PPO cases.

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 lump sum damages and any PPO damages paid up to the end of the year of settlement. It does not include PPO damages, which have been committed to but due to be paid after the settlement year.

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 several [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.

Please refer to [Understanding NHS Resolution data](#) guidance for further details on how our Claims database is categorised.

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 [Joanne Appleby](#), Deputy 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 of Clinical Claims and Incidents Notified between financial years '2020/21' and '2024/25', broken down by Claimant Funding Type.](#)

[Table 2: Number of Clinical Claims Closed \(or settled with a periodical payment order\) between financial years '2020/21' and '2024/25' with a damages payment, broken down by Claimant Funding Type.](#)

Table 1: Number of Clinical Claims and Incidents Notified between financial years '2020/21' and '2024/25', broken down by Claimant Funding Type.

| Notified | | Y |
|--------------------------------|----------------------|---|
| Notification Year | | |
| --Claimant Funding Type | No. of Claims | |
| 2020/21 | 13,351 | |
| Conditional Fee Agreement | 8,900 | |
| Other | 4,351 | |
| Legal Aid | 100 | |
| 2021/22 | 15,078 | |
| Conditional Fee Agreement | 9,675 | |
| Other | 5,343 | |
| Legal Aid | 60 | |
| 2022/23 | 13,511 | |
| Conditional Fee Agreement | 9,420 | |
| Other | 4,036 | |
| Legal Aid | 55 | |
| 2023/24 | 13,784 | |
| Conditional Fee Agreement | 9,561 | |
| Other | 4,185 | |
| Legal Aid | 38 | |
| 2024/25 | 14,428 | |
| Conditional Fee Agreement | 10,040 | |
| Other | 4,334 | |
| Legal Aid | 54 | |
| Grand Total | 70,152 | |

Table 2: Number of Clinical Claims Closed (or settled with a periodical payment order) between financial years '2020/21' and '2024/25' with a damages payment, broken down by Claimant Funding Type.

| ClaimOutcome | Damages Paid |
|--|----------------------|
| ClosedSettled | Y |
| Closure Year (Settlement Year for PPOs) | |
| --Claimant Funding Type | No. of Claims |
| 2020/21 | 6,670 |
| Conditional Fee Agreement | 5,697 |
| Other | 800 |
| Legal Aid | 173 |
| 2021/22 | 7,818 |
| Conditional Fee Agreement | 6,790 |
| Other | 857 |
| Legal Aid | 171 |
| 2022/23 | 7,599 |
| Conditional Fee Agreement | 6,689 |
| Other | 766 |
| Legal Aid | 144 |
| 2023/24 | 7,368 |
| Conditional Fee Agreement | 6,459 |
| Other | 777 |
| Legal Aid | 132 |
| 2024/25 | 7,912 |
| Conditional Fee Agreement | 6,980 |
| Other | 814 |
| Legal Aid | 118 |
| Grand Total | 37,367 |