

## The NHS Litigation Authority

### Factsheet 3: information on claims 2015-16

#### | Background

1. The NHS Litigation Authority (NHS LA) handles negligence claims on behalf of NHS organisations and independent sector providers of NHS care in England who are members of the NHS LA's schemes. The NHS LA was established in 1995 as a Special Health Authority and is a not-for-profit arms length body of the Department of Health.
2. Indemnifies providers of NHS care in England:
  - NHS and NHS Foundation Trusts.
  - CCGs (since 1 April 2013).
  - Independent sector providers of NHS care (since 1 April 2013).
3. Operates clinical and non-clinical risk pooling indemnity schemes which NHS organisations join, on a voluntary basis, as scheme members.
4. The NHS LA's approach to pricing is to financially incentivise those organisations which have fewer less costly claims, thereby supporting the reduction of harm and better staff and patient safety.
5. **The indemnity schemes are:**
  - a. **Clinical Negligence Scheme for Trusts (CNST)** - for clinical claims brought by patients receiving NHS care arising from incidents since 1995.
    - CNST cover is unlimited and the NHS LA funds the total cost of claims.
    - Since April 2013 independent sector providers of NHS healthcare have been entitled to join CNST to be indemnified for the NHS care they provide.
  - b. **Risk Pooling Schemes for Trusts (RPST) - operating since 1999:**
    - i. **Property Expenses Scheme (PES)** - for non-clinical claims including 'first party' losses such as property damage and theft where the incident occurred on or after 1 April 1999.
    - ii. **Liabilities to Third Parties Scheme (LTPS)** - for non-clinical claims such as public and employers' liability claims.
      - Cover is unlimited in value, however some areas of cover are subject to an excess for which the member is responsible.
      - The NHS LA funds the cost of claims above the excess.

- Since April 2014 any previous claims resolved and closed below the excess, or any new claims below the excess, are handled by the NHS LA free of charge.
- These claims are not included in the figures in this factsheet, unless the member body chooses to pay the NHS LA a handling fee to handle sub-excess claims on its behalf.

**c. Existing Liabilities Scheme (ELS)** - is centrally funded by the Department of Health and covers clinical claims against NHS organisations where the

- incident took place before 1 April 1995.

**d. Ex-RHA Scheme (Ex-RHAS)** - is a relatively small scheme covering clinical

- claims made against the former Regional Health Authorities which were abolished in 1996. This is centrally funded by the Department of Health.

## | Information

Our database contains information on all claims (including potential claims or “incidents” where a formal letter of claim has not been received but a patient has indicated their intention to pursue a claim) notified to the NHS LA by member NHS bodies, whether open or closed. The following charts include information on both open and closed claims but exclude “incidents”. It should be noted that, until the “call-in” of lower value claims in 2000 and 2002,<sup>1</sup> lower value clinical negligence claims were handled in-house by trusts and the NHS LA may not therefore have complete data relating to these claims. The charts indicate whether or not these “below excess” claims are included in the data.

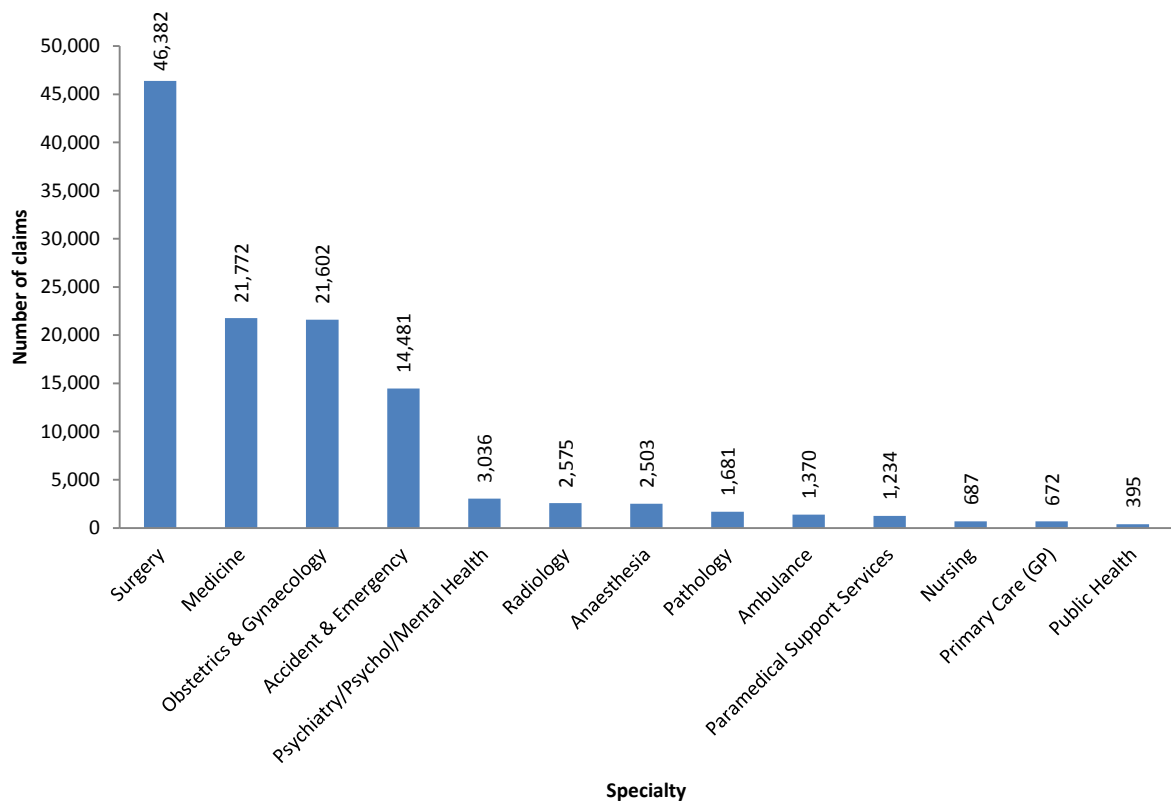
## | Headline figures

In 2015/16, the NHS LA received 10,965 claims (including potential claims) under its clinical negligence schemes and 4,172 claims (including potential claims) in respect of its non-clinical schemes. The figures for 2014/15 were 11,947 and 4,806 respectively. The NHS LA had 30,410 “live” claims as at 31 March 2016, and CNST claims are now settled in an average of 1.5 years, counting from the date of notification to the NHS LA to the date when compensation is agreed or the claimant discontinues their claim.

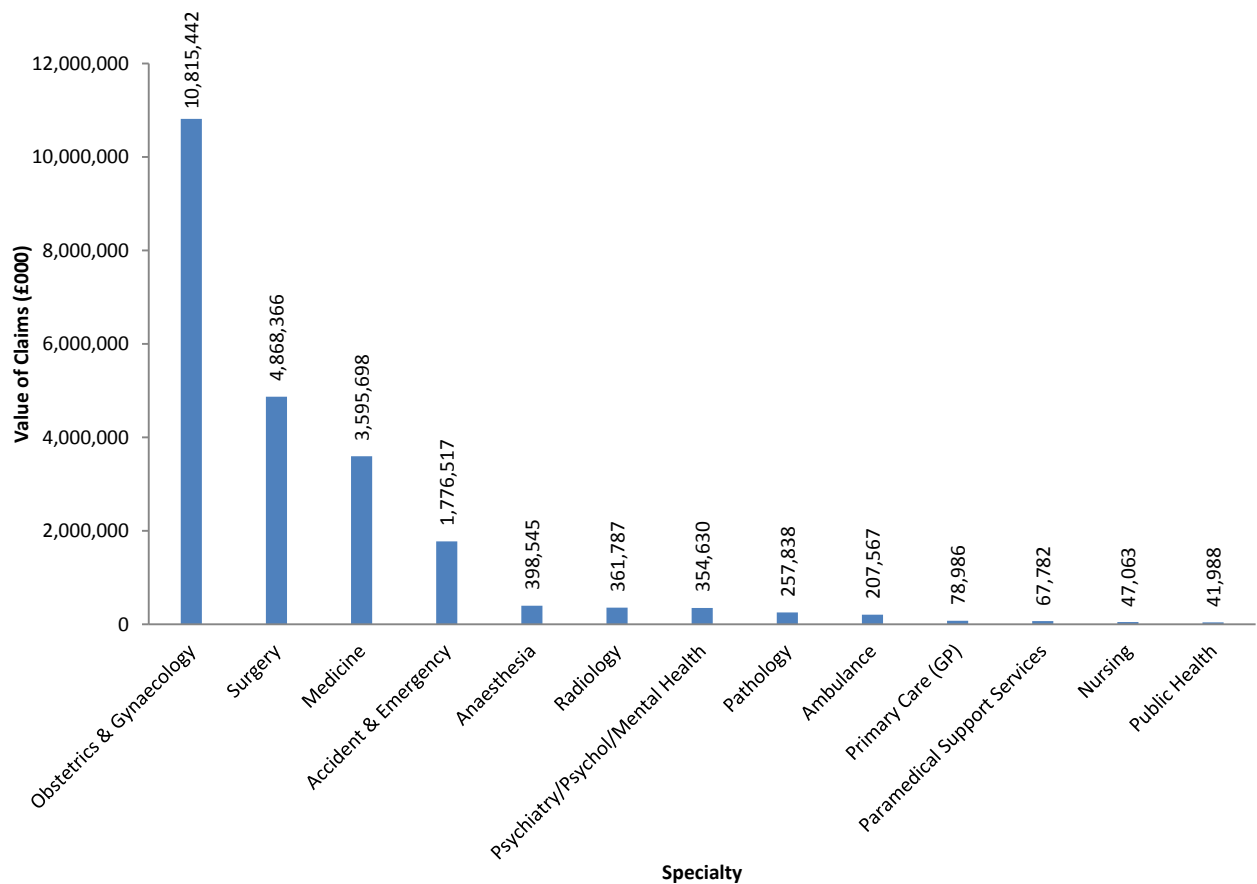
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<sup>1</sup> 1 April 2000 for ELS claims and 1 April 2002 for CNST claims: on these dates, the NHS LA took over responsibility for all existing and new claims, regardless of value

**Total number of reported CNST claims by specialty as at 31/03/16**  
 (since the scheme began in April 1995, excluding "below excess" claims handled by trusts)

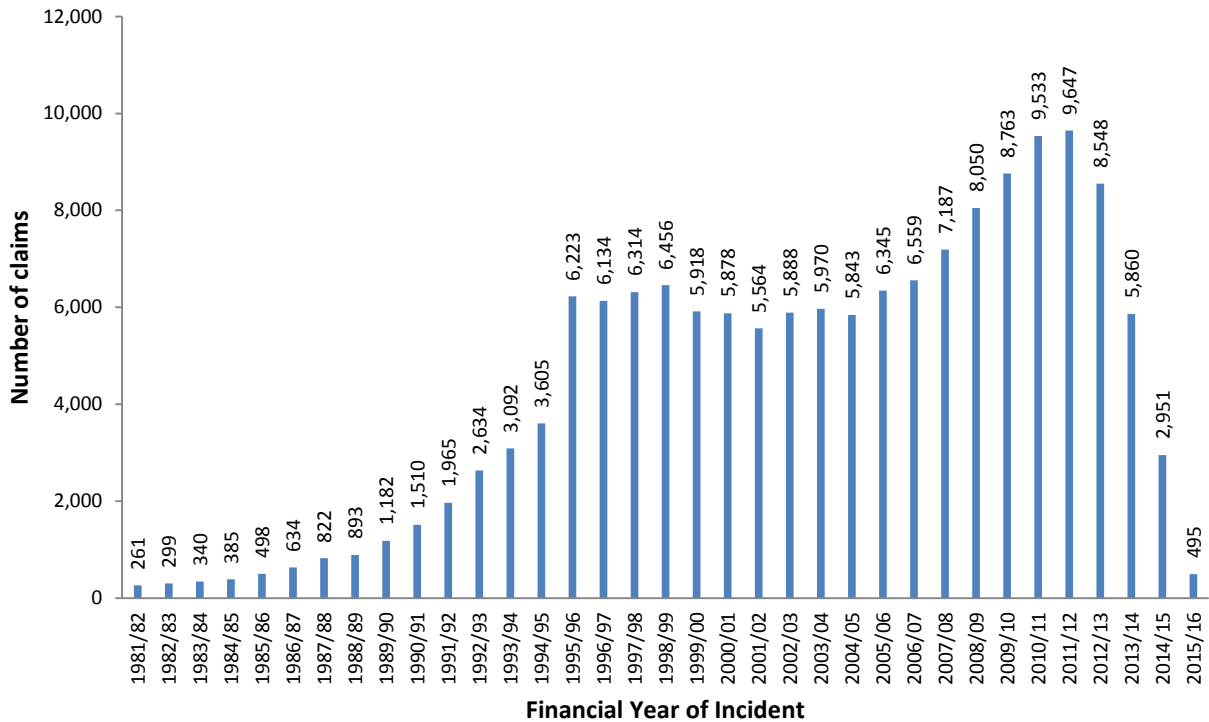


**Total value of reported CNST claims by specialty as at 31/03/16**  
 (since the scheme began in April 1995, excluding "below excess" claims handled by trusts)



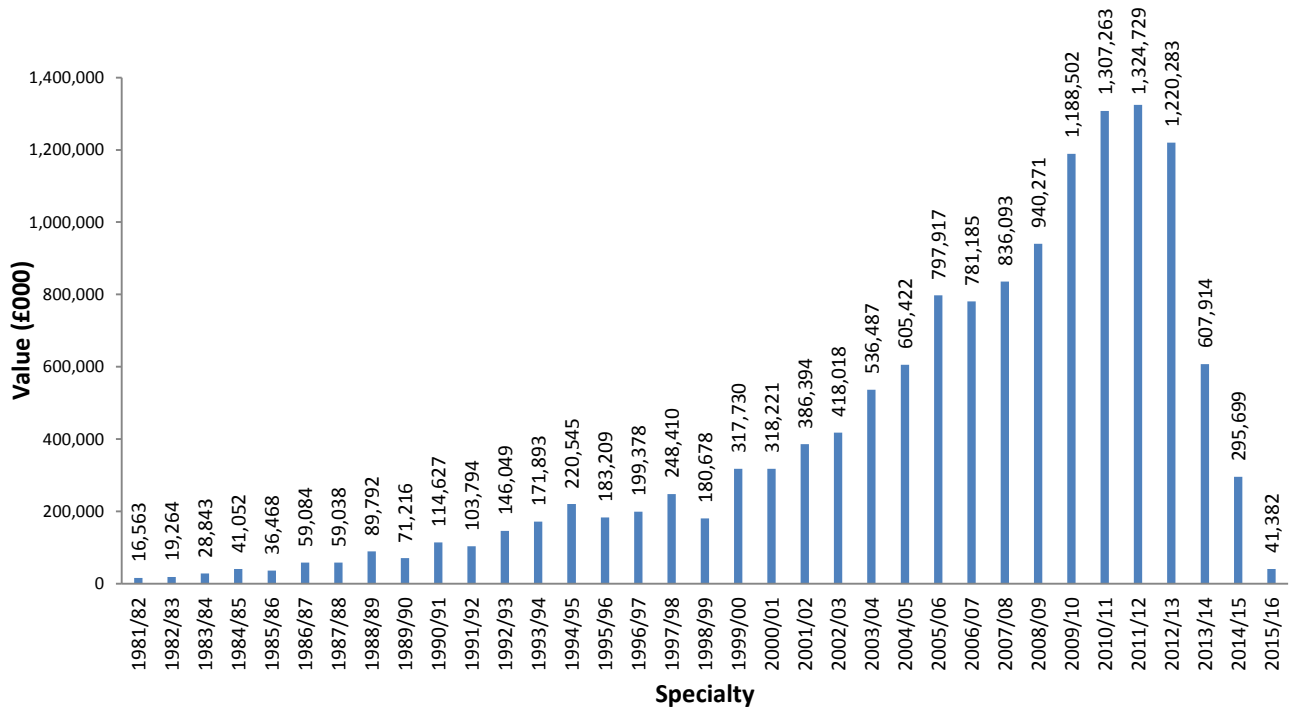
## Total number of clinical negligence claims by financial year of incident as at 31/03/16

(Since 1981/82, all clinical negligence schemes, including "below excess" claims handled by trusts)

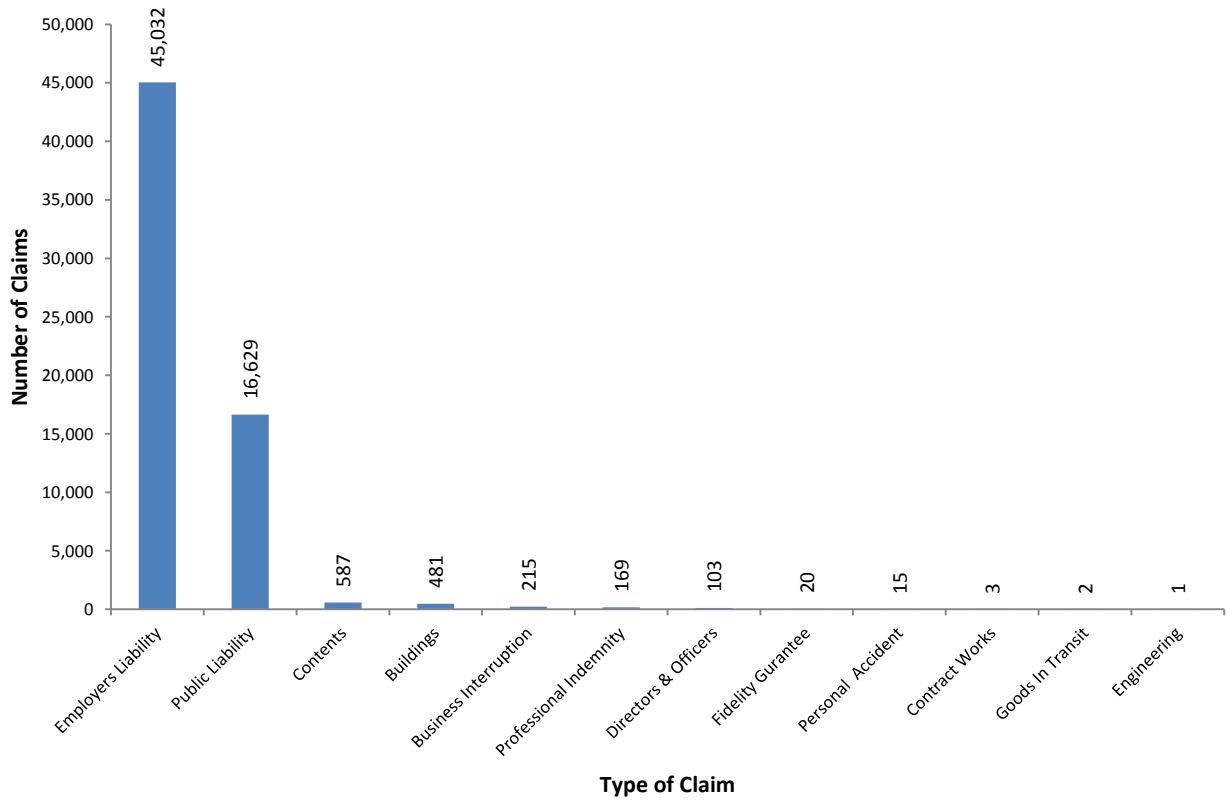


## Outstanding value of clinical negligence claims by financial year of incident as at 31/03/16

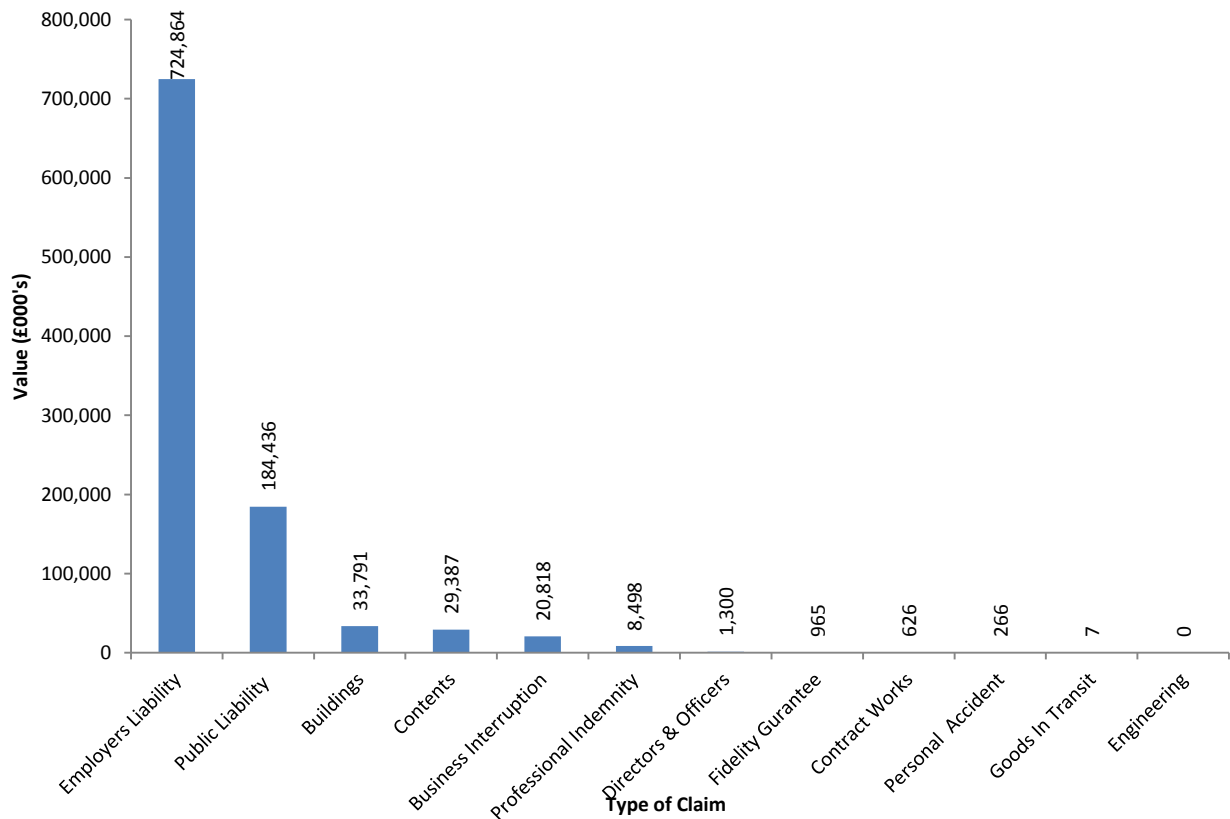
(all open claims relating to incidents from 1981/82 onwards, from all clinical negligence schemes, regardless of value)



### Number of Reported RPST Claims by Type as at 31/03/2016 (since the schemes began in April 1999)



### Total Value of Reported RPST Claims by Type as at 31/03/2016 (since the schemes began in April 1999)



**Status of claims for clinical negligence made against the NHS received since 01/04/2006 as at 31/03/16**

Status	Number	Percentage
Resolved without a Damages Payment	25,205	29.85%
Resolved with a Damages Payment	36,734	43.51%
Resolved as a Periodical Payment	664	0.79%
Outstanding Claims Notified, Yet to be Resolved	21,824	25.85%
<b>Total ('files opened')</b>	<b>84,427</b>	<b>100.00%</b>

Note : This data does not include open incidents notified which have not yet been a claim

NHS LA  
July 2016