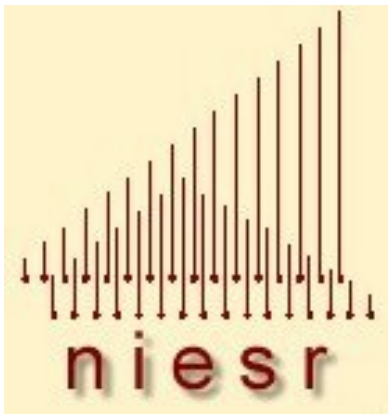

Study into average civil compensation in mesothelioma cases: statistical note

Nick Coleman, John Forth, Hilary Metcalf, Pam Meadows, Max King and Leila Tufekci

23 April 2013

National Institute of Economic and Social Research

2 Dean Trench Street
Smith Square
London SW1P 3HE

Contents

Glossary

Mesothelioma	A cancer of the thin membrane that lines the chest and abdomen.
Normal distribution	A bell-shaped distribution that is symmetric about the mean.
Ordinary least squares regression	An approach to estimating the general relationship between a dependent variable and one or more explanatory variables. The method of ordinary least squares identifies the solution which minimises the sum of the squared differences between the observed responses in the dataset and the fitted values provided by the model.
Percentile	The value in a series below which a certain percentage of cases fall.
Skewed distribution	A distribution that departs from the bell-shape of the normal distribution by being asymmetric about the mean. In other words, one tail of the distribution is longer than the other.
Standard error	An estimate of the degree to which a survey estimate is likely to vary under repeated sampling. Provides an indication of the uncertainty that is inherent to the survey estimate because some members of the population were not sampled.
Weighting	In a weighted data set each individual is assigned a weighting factor so that, after weighting, the profile of the achieved sample closely matches that of the population at large (i.e. it is representative of the population). Groups that are under-represented in the sample *vis a vis* the population are given larger weighting factors than groups which are over-represented.

1 Introduction

1.1 Background

A new payment scheme is to be established for occupational mesothelioma victims. It will make payments to people who develop mesothelioma after their employer has negligently or in breach of statutory duty exposed them to asbestos, but who are unable to trace an employer or employers' liability insurance policy against which to make a claim. To inform the design of the new scheme, the Department for Work and Pensions (DWP) needed to estimate average civil compensation for work-related mesothelioma cases.

There is no comprehensive dataset which is known to provide sufficiently representative data on mesothelioma compensation levels. In 2008, the Association of British Insurers (ABI) conducted a survey of 363 claims handled by the five insurers with the greatest number of mesothelioma claims (Alliance, Aviva, Axa, RSA and Zurich) (which the ABI estimate jointly cover around half of all claims). Following a feasibility study, the DWP and the Ministry of Justice (MoJ) jointly commissioned the National Institute of Economic and Social Research (NIESR) to conduct a new study to provide more recent, robust, independent estimates of mesothelioma compensation levels and legal costs.

1.2 Aims

The aim was to provide representative data to allow analysis of:

- average compensation levels by age
- average claimant legal costs
- average compensation and legal costs by:
    - year (2007-2012)
    - Scottish and other legal jurisdictions
    - whether litigation was involved
    - whether the victim was alive or not at the date of award.

1.3 The statistical note

In support of the DWP's policy development and impact assessment, this statistical note summarises the key findings on average levels of compensation and describes how these estimates were derived. A full report of the study will be published later which will cover the full analysis.

2 Method

2.1 Survey design

The study covered:

- settled employer liability claims in the private sector (i.e. excluding government, local authority, NHS and unknown cases);
- claims recorded as having been settled between 1 January 2007 and 31 December 2012[1].

'Special' cases covered by other compensation schemes were excluded. In total 4,216 claims met these criteria.

A sample of 3,477 cases were selected from the Compensation Recovery Unit (CRU)[2] register of claims for inclusion in the survey. The organisations which had registered these claims with the CRU ("registrants") were asked to provide details of the selected claims, resulting in 43 organisations, mainly insurance companies and legal representatives, being contacted.

The survey was in the field from 22 January 2013 to 8 March 2013.

The Appendix provides further details of the sampling.

2.2 Response

In total, 2,334 cases which included either an amount for total compensation paid and/or an amount for total legal costs (67% of the total sample) were returned. Twenty-five of the 43 sampled organisations participated. Tables 2.1 and 2.2 show the response by type of organisation.

Table 2.1: Response by organisation

	Number which returned:			Total
	all cases	some cases only	no cases	
Insurers	0	9	0	9
Solicitors	3	12	15	30
Employers	0	0	1	1
Adjusters	0	0	2	2
Not known	0	1	0	1
Total	3	22	18	43

[1] The questionnaire also asked for date of settlement. For three cases, the survey respondents gave the settlement year as 2005/06. These cases were retained in the sample.

[2] The CRU is part of the DWP. It recovers, from the defendant, social security benefits and lump sum payments made to the victim pending settlement of the claim. All mesothelioma claims must be registered with the CRU. They are registered by the defendant (normally the insurance company or the employer) or their representative (normally a law firm). However, the CRU does not hold data on the amount of compensation.

Table 2.2: Response by individual case

	Number sampled	Number returned	Percentage returned (%)
Insurers	1,239	1,015	82
Solicitors	1,971	1,156	59
Employers	24	0	0
Adjusters	65	0	0
Not known	178	163	92
Total	3,477	2,334	67

Prior to analysis, cases with Northern Ireland jurisdiction (as recorded in the questionnaire) were removed from this sample; this reduced the total sample by two to 2,332[3].

2.3 'Weighting'

In order to make the survey findings more representative of all claims, the data was adjusted ('weighted') to take into account the way in which the sample had been drawn and the response. See the Appendix for details.

2.4 The profile of the returned sample

Table 2.3 compares the profile of the 4,216 the CRU claims eligible for the survey (see above) with the 2,076 surveyed cases returned where both the total compensation paid was reported and permission for data to be linked to the CRU data was given. (This is the sample used for the majority of the analysis). This analysis shows that the profile of the returned sample was very similar to the eligible sample. The returned sample can therefore be considered representative (as far as can be assessed from the information available from the CRU database).

[3] Organisations were asked whether the data they provided could be linked to the data held on the CRU database for that case. Two organisations did not give permission for linking. As a result, these cases were excluded from analyses requiring data from both the CRU database and the survey.

Table 2.3: Comparison of eligible population with sample of returned cases

	Total eligible population	Returned cases (total)[4]
	%	%
Gender		
Male	94.7	94.7
Female	5.3	5.3
Age		
under 65	22.7	22.9
65-69	18.8	18.7
70-74	20.6	20.9
75-79	19.0	18.9
80-84	12.2	12.0
85+	6.8	6.6
Settlement year		
2007	5.8	3.9
2008	18.3	17.7
2009	19.6	22.4
2010	19.1	19.4
2011	19.4	19.5
2012	17.7	17.1
Total CRU recovery banded		
zero	13.0	12.7
under 5k	16.9	16.7
5k – up to 10k	11.1	11.1
10k – up to 15k	11.7	10.7
15k – up to 20k	14.8	14.5
20k – up to 25k	10.5	10.8
25k – up to 30k	6.4	7.0
30k – up to 50k	10.9	11.5
50k +	4.6	5.1
Type of organisation		
Insurer	34.8	46.5
Law firm	58.1	53.5
Other/not known	7.1	0
Claimant's country of residence		
England	85.6	85.4
Wales	3.9	3.4
Scotland	7.1	7.3
Other/not known	3.5	3.9
Total	100	100
(number of cases)	(4,216)	(2,076)

[4] Weighted by probability of selection weight.

Table 2.4 compares the profile of the returned and non-returned sample, for organisations which returned some cases only.

Table 2.4: Comparison of returned and non-returned cases, from organisations who returned some cases only

	Returned cases	Non-returned cases
	%	%
Gender		
Male	95.1	95.5
Female	4.9	4.5
Age		
under 65	27.0	27.8
65-69	17.1	19.3
70-74	19.2	18.3
75-79	17.9	17.0
80-84	12.1	11.6
85+	6.8	6.0
Settlement year		
2007	4.7	5.7
2008	16.7	19.9
2009	21.1	16.2
2010	20.3	15.8
2011	20.5	18.7
2012	16.8	23.7
Total CRU recovery banded		
zero	11.8	12.7
under 5k	16.5	16.0
5k – up to 10k	10.5	12.7
10k – up to 15k	10.9	11.4
15k – up to 20k	15.0	12.7
20k – up to 25k	10.4	10.0
25k – up to 30k	6.8	6.7
30k – up to 50k	12.2	13.2
50k +	5.8	4.5
Type of organisation		
Insurer	44.2	30.6
Law firm	48.7	67.4
Other/not known	7.1	2.0
Claimant's country of residence		
England	84.6	86.9
Wales	3.9	4.9
Scotland	8.0	4.8
Other/not known	3.4	3.3
Total	100	100
(number of cases)	(2,293)	(748)

3 Findings

3.1 Introduction

The analysis presented focuses on **the total value of compensation awarded to the claimant**, i.e. the actual amount of damages paid to the claimant, plus any amount repaid to the CRU in respect of benefit recovery.

Summary statistics are presented to indicate the average amounts of compensation. The relationship between total compensation and characteristics of the claim or claimant is also explored.

3.2 Uprating monetary values to account for inflation

The survey collected information on cases with settlement dates ranging from 2005-2012, although all but three cases were settled in the period 2007-2012. In order to account for inflation over this period, monetary amounts were converted to current (2012) values by using the annual All-items Consumer Price Index (CPI).[5] The CPI provides an indicator of changes in the cost of living and so, after uprating, £1 of compensation from a case settled in 2007 has equivalent value to the claimant of £1 of compensation from a case settled in 2012. One case is lost from the overall sample at this point because of the inability to determine the date of the settlement, leaving a total of 2,323 cases with a non-zero value for compensation.

3.3 Summary statistics for total compensation

There are a number of ways in which an 'average' value may be estimated from a set of survey responses on compensation claims.

The most obvious choice is perhaps the arithmetic mean. Among the cases with a non-zero value for total compensation, the mean award is estimated at £153,531 (in 2012 prices). The arithmetic mean has the advantage that it draws upon all of the values in the distribution. It is a useful way of indicating the 'typical' value in a series when all values cluster closely and symmetrically around the central value. However the distribution of compensation values has a long and sparsely populated upper tail. This tails begins at around the 99th percentile in the distribution and extends well beyond £1m. The mean will be pulled upwards by these large, atypical values.

The median is an alternative measure of the 'average' award which goes to the other extreme, in that it takes no account of the overall shape of the distribution. It simply divides the distribution into two evenly-sized groups. In other words, half of all claimants will have received amounts below the median and half will have received amounts above it. The median award for mesothelioma claimants is estimated from the survey to be £136,863.

Trimmed means make use of large parts of the distribution after excluding values which lie beyond specified thresholds. If one expects that awards beyond these thresholds are likely to be extremely rare, then the trimmed

[5] Office for National Statistics Time-Series Identifier: D7BT.

mean will better represent claims that are likely to be awarded in the future. A range of trimmed means are presented in Table 3.1, alongside the mean and median. As the long upper tail in the distribution of compensation awards begins around the 99th percentile, the 1% trimmed mean is arguably the most informative measure of the 'average claim' alongside the arithmetic mean.

Table 3.1 Measures of average compensation (2012 prices)

Measure	Value
Arithmetic mean	£153,531
Median	£136,862
1% trimmed mean	£146,923
5% trimmed mean	£143,734
Interquartile mean	£137,630
Trimean	£138,257

Source: NIESR survey.
The interquartile mean is the mean of all values from the 25th to 75th percentiles inclusive.
The trimean is the average of: the 25th percentile, the 75th percentile and twice the median.

Since the figures in Table 3.1 are derived from a sample of all cases, rather than a census, they are only *estimates* of the true values that pertain in the full population of settled claims. We can obtain an indication of how an estimate would vary across repeated surveys by computing its standard error. The mean value of £153,531 has a standard error of £2,810. This implies that we can be 95% confident that the true mean value for all mesothelioma cases lies between £148,023 and £159,039.[6]

3.4 The relationship between total compensation and characteristics of the claim or claimant

This section explores the relationship between total compensation and a range of characteristics of the claim or claimant, specifically:

- the claimant's age;
- the year of the award;
- the jurisdiction;
- whether court proceedings were issued;
- whether the claimant was alive or deceased at the time of the award; and
- the overall length of the case.

The claimant's age was identified in the CRU database. All other attributes were identified in the survey; however missing values for the year of the award and the length of the case were imputed from the CRU database where possible.

[6] The 95% confidence interval extends to 1.96 standard errors either side of the mean in a normally-distributed (bell-shaped) series. The confidence interval cited in the text is necessarily an approximation since, as stated earlier, the full series of compensation claims is not normally distributed but has a long upper tail.

First we present summary statistics showing how average compensation varies with each of these characteristics (using the arithmetic mean as our measure of the average claim). Second we use ordinary least squares regression to indicate the general relationships in a more formal way.

The starting sample size for this analysis falls from 2,323 to 2,076 cases because information on the age of claimant is only available from the CRU database (for 247 cases consent to link to the CRU database was not provided). However, unless otherwise stated, the descriptive analysis excludes cases below the 1st percentile of the distribution of compensation values and those above the 99th percentile, so as to limit the influence of extreme values.

3.4.1 The age of the claimant

The average (mean) age of the claimant at the time the claim was registered was 71 years, although the age range of respondents extended to around 30 years either side of this average. Table 3.2 shows that compensation awards generally fall with age.

Table 3.2 Average compensation (2012 prices), by age of claimant

Age band	***Mean award***
Under 65	£194,466
65-69	£160,859
70-74	£135,143
75-79	£129,223
80-84	£110,099
85 and over	£95,188

Source: NIESR survey.
Note: Excludes compensation values below the 1st percentile of the distribution of compensation values and those above the 99th percentile.

This relationship can be examined more formally by using the technique of ordinary least squares regression. Four regression models were estimated to show the relationship between total compensation and age (see Table 3.3). The first model (Model 1) used all available cases, but the presence of large, outlying values in the upper tail of the distribution of compensation claims limits the value of the regression method here.[7] Model 2 removes a large part of the upper tail by excluding the top and bottom 1 per cent of all cases. Model 3 goes further by excluding the top and bottom 5 per cent of all cases. The distribution of compensation claims moves closer to normality as these exclusions are made, but larger parts of the sample are inevitably omitted from the estimation. Model 2 achieves the best fit; in this model, age explains 20% of the variance in total compensation. The elasticity of compensation with respect to age was estimated in Model 2 at -£3,681 per year. In other words, compensation declines by £3,681 for each additional year of age, on average.

[7] The method of ordinary least squares regression assumes that the dependent variable is normally distributed.

As noted earlier, very large and very small compensation awards are excluded from Model 2 so as to limit the influence of outliers and to improve the overall fit of the regression model. However an alternative means of estimating the relationship with age in a skewed sample is to transform the dependent variable. Taking the natural logarithm of compensation gives a distribution that is approximately normally distributed without the need to exclude any outliers; all 2,076 cases can then be entered into the regression. The coefficients are shown in Model 4 of Table 3.3. This model has the benefit of including all available cases but explains 14% of the variance in the dependent variable. Models 2 and 4 therefore represent a trade-off between a better overall fit (Model 2) and a more inclusive approach to outlying values (Model 4).

The relationship estimated in Model 4 is non-linear, such that the elasticity of compensation with respect to age is higher among younger claimants than among older claimants. This is illustrated in Table 3.4. However at the average claimant age of 71, the estimated elasticity is very similar to that from Model 2.

Table 3.3 Regression-based estimates of the relationship between compensation and age of claimant

	Coefficient	*T-statistic*
Model 1		
Dependent variable: Total compensation		
Sample: all cases		
Age of claimant	-4,657.14	-9.50
Constant	486,465.13	13.11
Observations	*2,076*	
R-squared	*0.074*	
Model 2		
Dependent variable: Total compensation		
Sample: all cases from 1st to 99th percentile		
Age of claimant	-3,681.17	-21.65
Constant	409,617.41	32.15
Observations	*2,030*	
R-squared	*0.202*	
Model 3		
Dependent variable: Total compensation		
Sample: all cases from 5th to 95th percentile		
Age of claimant	-2,835.24	-20.00
Constant	346,937.82	
Observations	*1,856*	
R-squared	*0.179*	
Model 4		
Dependent variable: Natural logarithm of total compensation		
Sample: all cases		
Age of claimant	-0.028	-18.09
Constant	13.743	125.53
Observations	*2,076*	
R-squared	*0.143*	

Source: NIESR survey.

Table 3.4 Average compensation (2012 prices), by age of claimant, estimated via regression

	Model 2		Model 4	
Age	Average award	1-year elasticity	Average award	1-year elasticity
40	£262,370		£305,991	
41	£258,689	-£3,681	£297,600	-£8,391
42	£255,008	-£3,681	£289,440	-£8,161
43	£251,327	-£3,681	£281,503	-£7,937
44	£247,646	-£3,681	£273,784	-£7,719
45	£243,965	-£3,681	£266,276	-£7,507
46	£240,283	-£3,681	£258,975	-£7,302
47	£236,602	-£3,681	£251,873	-£7,101
48	£232,921	-£3,681	£244,967	-£6,907
49	£229,240	-£3,681	£238,250	-£6,717
50	£225,559	-£3,681	£231,717	-£6,533
51	£221,878	-£3,681	£225,363	-£6,354
52	£218,196	-£3,681	£219,183	-£6,180
53	£214,515	-£3,681	£213,173	-£6,010
54	£210,834	-£3,681	£207,327	-£5,845
55	£207,153	-£3,681	£201,642	-£5,685
56	£203,472	-£3,681	£196,113	-£5,529
57	£199,790	-£3,681	£190,735	-£5,378
58	£196,109	-£3,681	£185,505	-£5,230
59	£192,428	-£3,681	£180,418	-£5,087
60	£188,747	-£3,681	£175,471	-£4,947
61	£185,066	-£3,681	£170,660	-£4,812
62	£181,385	-£3,681	£165,980	-£4,680
63	£177,703	-£3,681	£161,429	-£4,551
64	£174,022	-£3,681	£157,002	-£4,427
65	£170,341	-£3,681	£152,697	-£4,305
66	£166,660	-£3,681	£148,510	-£4,187
67	£162,979	-£3,681	£144,437	-£4,072
68	£159,298	-£3,681	£140,477	-£3,961
69	£155,616	-£3,681	£136,625	-£3,852
70	£151,935	-£3,681	£132,878	-£3,746
71	£148,254	-£3,681	£129,235	-£3,644
72	£144,573	-£3,681	£125,691	-£3,544
73	£140,892	-£3,681	£122,244	-£3,447
74	£137,211	-£3,681	£118,892	-£3,352
75	£133,529	-£3,681	£115,632	-£3,260
76	£129,848	-£3,681	£112,461	-£3,171
77	£126,167	-£3,681	£109,378	-£3,084
78	£122,486	-£3,681	£106,378	-£2,999
79	£118,805	-£3,681	£103,461	-£2,917
80	£115,123	-£3,681	£100,624	-£2,837

	Model 2		Model 4	
Age	**Average award**	**1-year elasticity**	**Average award**	**1-year elasticity**
81	£111,442	-£3,681	£97,865	-£2,759
82	£107,761	-£3,681	£95,182	-£2,684
83	£104,080	-£3,681	£92,572	-£2,610
84	£100,399	-£3,681	£90,033	-£2,538
85	£96,718	-£3,681	£87,564	-£2,469
86	£93,036	-£3,681	£85,163	-£2,401
87	£89,355	-£3,681	£82,828	-£2,335
88	£85,674	-£3,681	£80,557	-£2,271
89	£81,993	-£3,681	£78,348	-£2,209
90	£78,312	-£3,681	£76,199	-£2,148
91	£74,631	-£3,681	£74,110	-£2,089
92	£70,949	-£3,681	£72,078	-£2,032
93	£67,268	-£3,681	£70,101	-£1,976
94	£63,587	-£3,681	£68,179	-£1,922
95	£59,906	-£3,681	£66,310	-£1,870
Elasticity	**-£3,681**		**-£3,644 between the ages of 70 and 71**	

3.4.2 Other characteristics

The relationships between compensation and other characteristics of the claim or claimant are shown in Table 3.5 to

Table 3.9. To summarise, awards were:

- Around £10,000 higher, on average, after 2008
- Almost £60,000 higher, on average, in Scotland
- Around £20,000 higher, on average, if there had been a formal service of court proceedings
- Around £14,000 higher, on average, if the claimant was still alive at the time of the settlement
- However there was no clear relationship with the length of the case.

Table 3.5 Average compensation (2012 prices), by year of award

Year	*Mean award*
2007	£139,473
2008	£138,267
2009	£147,198
2010	£150,210
2011	£150,177
2012	£149,875

Source: NIESR survey.

Note: Excludes compensation values below the 1st percentile of the distribution of compensation values and those above the 99th percentile. Excludes three cases where the award was made in 2005/2006.

Table 3.6 Average compensation (2012 prices), by jurisdiction

Jurisdiction	*Mean award*
England and Wales	£142,132
Scotland	£198,646

Source: NIESR survey.

Note: Excludes compensation values below the 1st percentile of the distribution of compensation values and those above the 99th percentile. Excludes 11 cases where the jurisdiction was unknown.

Table 3.7 Average compensation (2012 prices), by whether court proceedings were issued

Any court proceedings	*Mean award*
No court proceedings	£134,907
Formal service of court proceedings	£155,278

Source: NIESR survey.

Note: Excludes compensation values below the 1st percentile of the distribution of compensation values and those above the 99th percentile. Excludes 42 cases where it was not known whether court proceedings were issued.

Table 3.8 Average compensation (2012 prices), by whether claimant was alive or deceased at the time of the award

Alive or deceased at time of award	*Mean award*
Alive	£158,969
Deceased	£144,456

Source: NIESR survey.

Note: Excludes compensation values below the 1st percentile of the distribution of compensation values and those above the 99th percentile. Excludes 197 cases where it was not known whether the claimant had died prior to the settlement.

Table 3.9 Average compensation (2012 prices), by length of case

Length of case	*Mean award*
0-6 months	£140,093
7-12 months	£149,130
13-18 months	£140,423
19-24 months	£151,175
25+ months	£154,892

Source: NIESR survey.

Note: Excludes compensation values below the 1st percentile of the distribution of compensation values and those above the 99th percentile. Excludes 27 cases where the length of the case could not be determined.

These various characteristics are somewhat inter-related. For instance, cases settled in Scotland are much more likely to have involved a formal service of court proceedings. The independent associations with the amount of compensation were therefore identified by adding each of the characteristics mentioned above to Model 2 from Table 3.3. The results are shown in Table 3.10. The broad relationships described above were maintained, although the magnitude of those relationships altered somewhat. For instance, the £20,000 premium in favour of claims which had involved court proceedings was reduced to around £8,000 after controlling for other characteristics of the case. There remained no clear relationship between the size of the award and the length of the case.

Table 3.10 Regression-based estimates of the relationship between compensation and various characteristics of the claim or claimant

	Coefficient	*T-statistic*
Age of claimant	-3,532.25	-20.81
Year of award:		
2007	Ref.	
2008	919.10	0.15
2009	10,111.33	1.69
2010	11,712.88	1.89
2011	13,685.74	2.28
2012	17,919.98	2.70
Jurisdiction:		
England or Wales	Ref.	
Scotland	53,516.04	7.54
Not known	29,773.18	1.14
Whether court proceedings		
No	Ref.	
Yes	8,340.55	2.81
Not known	16,592.12	1.48
Whether claimant alive or deceased:		
Alive	Ref.	
Deceased	-10,893.08	-2.83
Not known	-26,993.81	-4.69
Length of case:		
0-6 months	Ref.	
7-12 months	590.48	0.16
13-18 months	-1,004.78	-0.22
19-24 months	2,033.50	0.35
25+ months	-812.36	-0.14
Not known	17,373.43	1.33
Constant	388,523.54	28.88
Observations	*2,027*	
R-squared	*0.268*	

Source: NIESR survey.

Note: Model excludes compensation values below the 1st percentile of the distribution of compensation values and those above the 99th percentile. Excludes three cases where the award was made in 2005/2006.

Appendix: sampling and weighting

Sampling

The scoping study identified the Compensation Recovery Unit (CRU) database as the only comprehensive sampling frame for mesothelioma settlements. The contact details on the CRU database are those of the registrant. Therefore the survey was conducted through registrants, with registrants providing details of the claim. The CRU database held 4,216 cases eligible for the survey, registered by 140 organisations.

A sample of these cases was drawn as follows:

- To minimise the burden on each registrant, the number of claims requested per registrant was capped at 300. Three registrants had more had 300 registered claims. For each, a sample of 300 cases was drawn as follows:
    - all Scottish cases[8];
    - all cases where the victim was under 65 at the time of the claim;
    - a random sample of remaining cases to take the total to 300.
- To increase the cost-effectiveness of the survey, the survey was limited to registrants registering at least five claims. This meant that 97 organisations were excluded, accounting for 142 claims (3.2 per cent of the total)[9].
- All claims for registrants with 5 to 300 registered claims.

In total, 3,477 cases were selected.

Weighting

The weighting comprised:

1. a probability of selection weight, to reflect the cap per organisation and the over-sampling of Scotland and of victims aged over 65.
2. a non-response weight: cases were weighted by year of settlement. Separate weights were applied for analysis of total compensation paid and for total legal costs (because the total number of cases differed).
3. In addition, separate weights were constructed to take into account the organisations that had not given permission to link their responses with the CRU data: a weight for analysing overall figures only (covering all cases) and a weight for analysing sub-groups derived from the CRU data (excluding those who had not given permission).

---

[8] Cases were classified as Scottish if, according to the CRU data, either the claimant was resident in Scotland or the registrant was a law firm and located in Scotland.

[9] There is the possibility that registrants handling few cases handle different claims than other registrants. However, because these registrants account for so few cases in total, their exclusion would have a negligible effect on the estimates of compensation levels.