



Resolution

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September 2023

FOI_6145

The following information was requested on 24th August 2023:

'The number of Clinical Negligence claims settled for the period 2018/19 to 2022/23 against the data range submitted by similar sized organisations.'

Please benchmark against the following Trusts:

1. *Royal Surrey Hospital NHS Foundation Trust (NHS FT)*
2. *Epsom & St Helier University Hospitals*
3. *Surrey & Sussex Healthcare NHS Trust*
4. *University Hospital Southampton*
5. *Oxford University Hospital*
6. *East Kent Hospitals University NHS FT*
7. *Stoke Mandeville Hospital*
8. *University Hospitals Sussex NHS Foundation Trust*

Our Response

Thank you for your request for information. We are able to provide information in financial years. Please find attached the requested information.

Please note claims notified/received and open are **not** guaranteed to be settled in the same year and can take many years to be concluded. 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.

Some of the claims notified will have been repudiated and settled without damages paid.

Please also note that the data shows variation in damages and costs paid. This is a reflection of the nature of individual claims received by NHS Resolution, which can vary significantly. As such, these fluctuations cannot be interpreted as trends.

Table 1 shows: - Broken down by Named Trusts, number and Cost of CNST Claims Closed (or settled with a PPO) between financial years 2018/19 and 2022/23 with a damages payment.

PPOs

The information disclosed includes damages paid out at the end of the relevant financial period under Periodical payment orders (PPO) previously agreed on cases, which may have been resolved several years ago. It does not include sums, which have been committed on settlements in the relevant period under a PPO, which may not be paid out until future years. PPOs are an agreement between the parties, to pay an initial lump sum and regular future payments covering the injured party's ongoing care needs, usually for life i.e., a percentage of the full value of the claim is paid at the point of settlement with the balance paid at regular intervals over subsequent years.

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: Broken down by Named Trusts, number and Cost of CNST Claims Closed (or settled with a PPO) between financial years 2018/19 and 2022/23 with a damages payment

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FOI View scheme Claim_Outcome		Closed Settled CNST Successful				
Year of Closure (Settlement Year for PPOs) -- Trust Name		No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2018/19		465	114,004,106	7,433,803	31,807,318	153,245,226
University Hospitals Sussex NHS Foundation Trust		106	27,669,343	1,978,271	9,354,185	39,001,799
Frimley Health NHS Foundation Trust		86	26,023,119	1,407,890	5,439,216	32,870,224
East Kent Hospitals University NHS Foundation Trust		60	8,934,776	575,146	2,569,959	12,079,881
Oxford University Hospitals NHS Foundation Trust		44	19,326,578	1,100,472	3,787,520	24,214,570
Epsom and St Helier University Hospitals NHS Trust		44	19,209,851	869,073	2,959,788	23,038,712
Buckinghamshire Healthcare NHS Trust		39	3,223,233	458,858	2,047,710	5,729,802
University Hospital Southampton NHS Foundation Trust		34	6,330,466	415,986	2,233,715	8,980,167
Surrey and Sussex Healthcare NHS Trust		30	1,786,052	322,015	1,495,977	3,604,043
Royal Surrey County Hospital NHS Foundation Trust (The)		22	1,500,689	306,091	1,919,247	3,726,027
2019/20		586	92,608,419	7,907,465	34,904,459	135,420,343
University Hospitals Sussex NHS Foundation Trust		136	24,055,359	2,162,530	7,778,315	33,996,204
East Kent Hospitals University NHS Foundation Trust		102	16,062,539	1,256,995	7,506,299	24,825,834
Frimley Health NHS Foundation Trust		68	11,416,489	1,001,941	3,467,797	15,886,227
Oxford University Hospitals NHS Foundation Trust		62	6,307,263	895,798	3,646,288	10,849,350
University Hospital Southampton NHS Foundation Trust		58	3,124,091	411,614	2,099,509	5,635,214
Epsom and St Helier University Hospitals NHS Trust		55	19,818,267	972,304	3,733,912	24,524,483
Surrey and Sussex Healthcare NHS Trust		41	4,589,799	412,398	2,628,870	7,631,068
Buckinghamshire Healthcare NHS Trust		34	4,759,763	490,536	2,283,240	7,533,540
Royal Surrey County Hospital NHS Foundation Trust (The)		30	2,474,848	303,348	1,760,228	4,538,424
2020/21		384	67,699,212	6,323,991	23,618,805	97,642,008
East Kent Hospitals University NHS Foundation Trust		64	6,871,113	1,106,787	4,361,452	12,339,352
University Hospitals Sussex NHS Foundation Trust		57	14,657,117	1,011,633	3,905,464	19,574,214
Oxford University Hospitals NHS Foundation Trust		50	8,829,617	813,249	2,870,397	12,513,263
University Hospital Southampton NHS Foundation Trust		48	7,631,074	683,275	2,015,963	10,330,311
Epsom and St Helier University Hospitals NHS Trust		44	13,641,648	1,042,804	3,961,362	18,645,814
Surrey and Sussex Healthcare NHS Trust		39	4,026,916	694,569	2,642,600	7,364,084
Frimley Health NHS Foundation Trust		37	1,594,801	378,884	1,286,303	3,259,987
Buckinghamshire Healthcare NHS Trust		25	8,520,554	407,778	1,531,400	10,459,731
Royal Surrey County Hospital NHS Foundation Trust (The)		20	1,926,373	185,013	1,043,865	3,155,251
2021/22		584	156,573,917	11,393,083	42,308,319	210,275,319
University Hospitals Sussex NHS Foundation Trust		136	54,749,839	3,685,764	12,397,702	70,833,304
Frimley Health NHS Foundation Trust		101	37,001,902	1,910,824	7,248,272	46,160,998
East Kent Hospitals University NHS Foundation Trust		76	5,825,447	921,095	3,716,657	10,463,199
University Hospital Southampton NHS Foundation Trust		64	9,200,500	1,376,740	3,698,930	14,276,169
Oxford University Hospitals NHS Foundation Trust		55	13,010,966	868,744	3,562,508	17,442,218
Epsom and St Helier University Hospitals NHS Trust		45	7,244,098	668,281	3,085,846	10,998,225
Surrey and Sussex Healthcare NHS Trust		43	21,019,247	878,393	4,159,160	26,056,800
Buckinghamshire Healthcare NHS Trust		38	5,505,518	530,082	2,379,298	8,414,898
Royal Surrey County Hospital NHS Foundation Trust (The)		26	3,016,401	553,160	2,059,947	5,629,508
2022/23		475	192,070,870	9,749,585	38,424,130	240,244,585
University Hospitals Sussex NHS Foundation Trust		92	46,277,308	2,543,812	8,668,490	57,489,609
Frimley Health NHS Foundation Trust		87	28,011,368	1,639,426	6,444,325	36,095,119
East Kent Hospitals University NHS Foundation Trust		82	46,291,161	1,718,291	7,312,289	55,321,742
Oxford University Hospitals NHS Foundation Trust		56	15,617,066	880,562	3,546,274	20,043,902
Epsom and St Helier University Hospitals NHS Trust		38	13,901,249	826,751	3,032,993	17,760,994
Surrey and Sussex Healthcare NHS Trust		34	10,039,920	505,635	2,356,800	12,902,355
University Hospital Southampton NHS Foundation Trust		34	11,697,483	684,009	2,887,517	15,269,009
Buckinghamshire Healthcare NHS Trust		34	6,697,199	551,965	2,720,632	9,969,796
Royal Surrey County Hospital NHS Foundation Trust (The)		18	13,538,115	399,134	1,454,810	15,392,059
Grand Total		2,494	622,956,523	42,807,927	171,063,030	836,827,481