



# Resolution

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Telephone: 020 7811 2700

October 2023

FOI\_6177

The following information was requested on 14<sup>th</sup> September 2023:

Follow up to **FOI\_6145** –

*...would be very grateful if the additional **12 Trusts** listed in blue below could be added to our comparison list? 'The number of Clinical Negligence claims settled for the period 2018/19 to 2022/23 against the data range submitted by similar sized organisations.*

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*
1. *Medway NHS Foundation Trust*
2. *Nottingham University Hospitals NHS Trust*
3. *University Hospitals of North Midlands NHS Trust*
4. *Essex Partnership University NHS Foundation Trust*
5. *Royal Devon University Healthcare NHS Trust*
6. *Nottingham University Hospitals NHS Trust*
7. *Royal Free London NHS Foundation Trust*
8. *Guys and St Thomas' NHS Foundation Trust*
9. *Sussex Partnership NHS Foundation Trust*
10. *Birmingham Community Healthcare NHS Foundation Trust*
11. *Barking Havering and Redbridge University Hospitals NHS Trust*
12. *Guys and St Thomas' 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. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

## **PPOs**

The information disclosed includes damages and costs 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, costs 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.

## **Low Numbers**

Please note we have suppressed low figures 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 Freedom of Information 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.

In some instances, the low numbers of claims (fewer than 5) 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. Where we are in the territory of such small numbers in the attached, we have used a '#' symbol in the relevant field. You should still be able to see aggregate/total details for higher-level fields containing this data.

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/>

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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: Number and Cost of CNST Claims Closed (or settled with a PPO) between financial years 2018/19 and 2022/23 with a damages payment for Named Trusts

**Table 1: Number and Cost of CNST Claims Closed (or settled with a PPO) between financial years 2018/19 and 2022/23 with a damages payment for Named Trusts**

|                                     |                                      |
|-------------------------------------|--------------------------------------|
| FOI View<br>scheme<br>Claim_Outcome | Closed Settled<br>CNST<br>Successful |
|-------------------------------------|--------------------------------------|

| Year of Closure (Settlement Year for PPOs)<br>-- Trust Name    | No. of Claims | Damages Paid | NHS Legal<br>Costs Paid | Claimant Legal<br>Costs Paid | Total Paid |
|----------------------------------------------------------------|---------------|--------------|-------------------------|------------------------------|------------|
| <b>2018/19</b>                                                 |               |              |                         |                              |            |
| University Hospitals Sussex NHS Foundation Trust               | 106           | 27,669,343   | 1,978,271               | 9,354,185                    | 39,001,799 |
| Nottingham University Hospitals NHS Trust                      | 89            | 32,071,401   | 2,448,257               | 5,032,472                    | 39,552,131 |
| University Hospitals of North Midlands NHS Trust               | 88            | 7,644,167    | 830,443                 | 3,157,951                    | 11,632,561 |
| Frimley Health NHS Foundation Trust                            | 86            | 26,023,119   | 1,407,890               | 5,439,216                    | 32,870,224 |
| Barking, Havering and Redbridge University Hospitals NHS Trust | 67            | 24,713,249   | 1,330,154               | 4,675,550                    | 30,718,953 |
| Royal Free London NHS Foundation Trust                         | 64            | 16,512,343   | 1,016,646               | 4,546,793                    | 22,075,782 |
| East Kent Hospitals University NHS Foundation Trust            | 60            | 8,934,776    | 575,146                 | 2,569,959                    | 12,079,881 |
| Royal Devon University Healthcare NHS Foundation Trust         | 45            | 2,146,242    | 752,397                 | 2,497,039                    | 5,395,679  |
| Epsom and St Helier University Hospitals NHS Trust             | 44            | 19,209,851   | 869,073                 | 2,959,788                    | 23,038,712 |
| Oxford University Hospitals NHS Foundation Trust               | 44            | 19,326,578   | 1,100,472               | 3,787,520                    | 24,214,570 |
| Guy's and St Thomas' NHS Foundation Trust                      | 43            | 18,753,058   | 926,638                 | 4,210,153                    | 23,889,850 |
| 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  |
| Medway NHS Foundation Trust                                    | 33            | 4,671,421    | 316,046                 | 1,597,702                    | 6,585,169  |
| 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  |
| Essex Partnership University NHS Foundation Trust              | 17            | 959,301      | 113,404                 | 569,660                      | 1,642,365  |
| Birmingham Community Healthcare                                | 9             | 134,887      | 25,352                  | 144,500                      | 304,739    |
| Sussex Partnership NHS Foundation Trust                        | 7             | 212,675      | 118,562                 | 495,715                      | 826,952    |
| <b>2019/20</b>                                                 |               |              |                         |                              |            |
| 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 |
| Nottingham University Hospitals NHS Trust                      | 90            | 18,902,635   | 1,574,194               | 4,566,569                    | 25,043,398 |
| University Hospitals of North Midlands NHS Trust               | 89            | 13,662,435   | 1,310,846               | 3,979,318                    | 18,952,598 |
| Royal Free London NHS Foundation Trust                         | 71            | 16,351,769   | 1,443,894               | 4,813,762                    | 22,609,424 |
| Frimley Health NHS Foundation Trust                            | 68            | 11,416,489   | 1,001,941               | 3,467,797                    | 15,886,227 |
| Barking, Havering and Redbridge University Hospitals NHS Trust | 65            | 8,107,315    | 1,029,900               | 3,830,559                    | 12,967,774 |
| 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 |
| Royal Devon University Healthcare NHS Foundation Trust         | 50            | 17,060,083   | 1,216,354               | 3,672,515                    | 21,948,952 |
| Guy's and St Thomas' NHS Foundation Trust                      | 44            | 20,550,738   | 902,537                 | 3,262,784                    | 24,716,059 |
| Surrey and Sussex Healthcare NHS Trust                         | 41            | 4,589,799    | 412,398                 | 2,628,870                    | 7,631,068  |
| Medway NHS Foundation Trust                                    | 39            | 16,769,520   | 726,942                 | 2,954,423                    | 20,450,885 |
| 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  |
| Essex Partnership University NHS Foundation Trust              | 15            | 1,304,393    | 191,834                 | 658,140                      | 2,154,367  |
| Birmingham Community Healthcare                                | 12            | 418,101      | 51,903                  | 279,117                      | 749,122    |
| Sussex Partnership NHS Foundation Trust                        | 6             | 461,377      | 71,197                  | 449,750                      | 982,324    |
| <b>2020/21</b>                                                 |               |              |                         |                              |            |
| Nottingham University Hospitals NHS Trust                      | 117           | 25,204,920   | 2,508,009               | 7,280,110                    | 34,993,038 |
| University Hospitals of North Midlands NHS Trust               | 90            | 4,732,606    | 829,999                 | 2,703,744                    | 8,266,349  |
| Guy's and St Thomas' NHS Foundation Trust                      | 67            | 13,760,440   | 1,502,513               | 5,413,935                    | 20,676,888 |
| 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 |
| Royal Free London NHS Foundation Trust                         | 52            | 7,560,710    | 880,531                 | 3,749,010                    | 12,190,251 |
| 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 |
| Barking, Havering and Redbridge University Hospitals NHS Trust | 47            | 4,734,065    | 739,833                 | 2,779,940                    | 8,253,838  |
| Medway NHS Foundation Trust                                    | 47            | 25,171,219   | 1,219,250               | 3,755,969                    | 30,146,438 |
| Epsom and St Helier University Hospitals NHS Trust             | 44            | 13,641,648   | 1,042,804               | 3,961,362                    | 18,645,814 |
| Royal Devon University Healthcare NHS Foundation Trust         | 40            | 2,899,571    | 627,355                 | 2,182,195                    | 5,709,121  |
| 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  |
| Sussex Partnership NHS Foundation Trust                        | 13            | 2,594,622    | 245,549                 | 1,051,870                    | 3,892,041  |
| Essex Partnership University NHS Foundation Trust              | 12            | 3,009,980    | 290,848                 | 1,098,150                    | 4,398,978  |
| Birmingham Community Healthcare                                | 7             | 98,877       | 54,771                  | 249,548                      | 403,196    |
| <b>2021/22</b>                                                 |               |              |                         |                              |            |
| University Hospitals Sussex NHS Foundation Trust               | 136           | 54,749,839   | 3,685,764               | 12,397,702                   | 70,833,304 |
| Barking, Havering and Redbridge University Hospitals NHS Trust | 111           | 18,055,596   | 2,000,700               | 6,875,770                    | 26,932,066 |
| Frimley Health NHS Foundation Trust                            | 101           | 37,001,902   | 1,910,824               | 7,248,272                    | 46,160,998 |
| University Hospitals of North Midlands NHS Trust               | 96            | 14,337,895   | 1,717,408               | 5,005,219                    | 21,060,522 |
| East Kent Hospitals University NHS Foundation Trust            | 76            | 5,825,447    | 921,095                 | 3,716,657                    | 10,463,199 |
| Royal Free London NHS Foundation Trust                         | 70            | 36,785,878   | 1,842,936               | 7,523,661                    | 46,152,475 |
| University Hospital Southampton NHS Foundation Trust           | 64            | 9,200,500    | 1,376,740               | 3,698,930                    | 14,276,169 |

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| Year of Closure (Settlement Year for PPOs)<br>-- Trust Name    | No. of Claims | Damages Paid | NHS Legal<br>Costs Paid | Claimant Legal<br>Costs Paid | Total Paid |
|----------------------------------------------------------------|---------------|--------------|-------------------------|------------------------------|------------|
| Nottingham University Hospitals NHS Trust                      | 59            | 14,581,705   | 1,129,078               | 3,805,986                    | 19,516,769 |
| Oxford University Hospitals NHS Foundation Trust               | 55            | 13,010,966   | 868,744                 | 3,562,508                    | 17,442,218 |
| Royal Devon University Healthcare NHS Foundation Trust         | 55            | 19,282,650   | 952,863                 | 3,534,513                    | 23,770,026 |
| Guy's and St Thomas' NHS Foundation Trust                      | 50            | 9,759,255    | 982,242                 | 4,236,374                    | 14,977,872 |
| Medway NHS Foundation Trust                                    | 48            | 8,713,669    | 572,498                 | 2,764,806                    | 12,050,973 |
| 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  |
| Essex Partnership University NHS Foundation Trust              | 9             | 2,384,703    | 173,232                 | 819,500                      | 3,377,435  |
| Birmingham Community Healthcare                                | 8             | 409,292      | 84,852                  | 405,339                      | 899,483    |
| Sussex Partnership NHS Foundation Trust                        | #             | #            | #                       | #                            | #          |
| <b>2022/23</b>                                                 |               |              |                         |                              |            |
| 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 |
| Nottingham University Hospitals NHS Trust                      | 85            | 24,657,966   | 2,062,962               | 6,604,290                    | 33,325,218 |
| East Kent Hospitals University NHS Foundation Trust            | 82            | 46,291,161   | 1,718,291               | 7,312,289                    | 55,321,742 |
| Barking, Havering and Redbridge University Hospitals NHS Trust | 81            | 38,357,443   | 2,068,939               | 6,868,579                    | 47,294,961 |
| University Hospitals of North Midlands NHS Trust               | 73            | 5,809,274    | 1,111,235               | 3,069,356                    | 9,989,865  |
| Royal Free London NHS Foundation Trust                         | 65            | 27,729,398   | 1,492,936               | 5,811,827                    | 35,034,160 |
| Medway NHS Foundation Trust                                    | 58            | 12,547,370   | 860,291                 | 3,578,624                    | 16,986,285 |
| Oxford University Hospitals NHS Foundation Trust               | 56            | 15,617,066   | 880,562                 | 3,546,274                    | 20,043,902 |
| Guy's and St Thomas' NHS Foundation Trust                      | 55            | 12,937,756   | 822,086                 | 3,580,950                    | 17,340,792 |
| Royal Devon University Healthcare NHS Foundation Trust         | 49            | 5,301,901    | 467,941                 | 2,324,297                    | 8,094,139  |
| 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 |
| Essex Partnership University NHS Foundation Trust              | 17            | 808,940      | 415,120                 | 1,137,138                    | 2,361,198  |
| Sussex Partnership NHS Foundation Trust                        | 6             | 152,438      | 81,846                  | 385,310                      | 619,594    |
| Birmingham Community Healthcare                                | 5             | 451,669      | 60,967                  | 300,182                      | 812,818    |