NHS
Resolution

8th Floor,
10 South Colonnade
Canary Wharf
London
E14 4PU
Telephone: 020 7811 2700

October 2023
FOI_6224

The following information was requested on 5 October 2023:

For the last financial year 2022/2023 please provide a breakdown of:

*1) The number of claims where you have paid out damages where one of the reasons stated within the claim was that the patient was **inappropriately discharged** from hospital?*

2) The amount of money paid out in damages where one of the reasons stated within the claim was that the patient was inappropriately discharged from the hospital?

Note: Please note this question refers to last year (22/23) as the year the claims were settled regardless of when the incident took place or when the claim was lodged.

Our Response

The definition of "inappropriate discharge" classifies those claims received where the main or one of the allegations of negligence concerns the alleged premature discharge of the patient from care.

Please find attached the requested information.

Please note claims notified/received and open are not guaranteed to be settled and/or closed 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.

Please also note that there will be a variation in damages paid in the relevant financial years. This is a reflection of the nature of individual claims received by NHS Resolution, which can vary significantly. As such, year on year fluctuations cannot necessarily 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 unsuccessful), challenged, reopened, and closed again at conclusion.

Table 1 shows: - Number and damages paid for Clinical Claims Closed (or settled as a PPO) in the financial year 2022/23 with a damages payment where one of the causes is "**Inappropriate Discharge**". The data includes the damages 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 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 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/

Freedom of Information Request# 6224
Data correct as at: The end of every financial year

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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.

Freedom of Information Request# 6224
Data correct as at: The end of every financial year

Table 1: Number and Cost of Clinical Claims Closed (or settled as a PPO) in the financial year 2022/23 with a damages payment where one of the causes is "Inappropriate Discharge". The data includes the damages paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

FOI View	Closed Settled
Claim_Outcome	Successful
Clinical	Clinical

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid
2022/23	193	29,191,937
Grand Total	**193**	**29,191,937**