



Resolution

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

December 2023
FOI_6266

The following information was requested on 6 November 2023:

- 1. How many clinical negligence claims involving a **fatality** were paid out in each of the following financial years? 2019/20, 2020/21, 2021/22, 2022/23.*
- 2. For each financial year what was the total amount of damages paid?*
- 3. For each financial year what was the highest single claim settled for a fatality claim?*
- 4. For the financial year 2022/23, please provide a breakdown of the cause of death, where a claim has been made of negligence involving the death and a payout was made to the claimant?*
- 5. For the last five years of claims which ten NHS Trusts have had the most number of claims made against them for fatality where a payout has been made? For each of these ten trusts please provide (i) the name of the trust, (ii) the number of fatality claims paid out in the five-year period and (iii) the total value of the damages paid out in those claims.*

Our Response

Please find attached the requested information. This information only covers England and not the rest of the UK.

NB: We have recently changed the way we report on our FOIs to align better with our published documents. Streamlining our reporting on FOIs with our annual published reports may mean a variation in snapshot dates. This means this data may not align with previous similar requests and it may not be possible for you to compare this information with a previous request. For further information, please refer to <https://resolution.nhs.uk/resources/understanding-nhs-resolution-data>.

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. Claims closed in any given year will often relate to claims received/notified many years prior.

The information disclosed **excludes** Periodical payment order (PPO), (which 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) due to their nature.

Table 1 shows: - Number and Damages Paid for Clinical Claims Closed between the financial years 2019/20 and 2022/23 with a damages payment where any injury is 'Fatality'.

Table 2 shows: - Analysis of Primary Causes for Clinical Claims Closed in the financial year 2022/23 with a damages payment where any injury is 'Fatality'.

Table 3 shows: - Top 10 NHS Trusts with the Most Clinical Negligence Claims closed between the financial years 2018/19 and 2022/23 with Damages Paid, where any injury is 'Fatality'.

Please note: this table should not be interpreted as a league table. Larger member organisations and those which provide more complex treatments may receive more claims than smaller organisations or those providing low risk care. Inevitably, different institutions face different levels of risk because of the variations in the nature and complexity of the procedures they perform.

Table 4 shows: - The damages range for the highest single clinical claim closed between the financial years 2019/20 and 2022/23 with a damages payment in that financial year, where any injury is 'Fatality'.

Low Numbers

We have suppressed low figures (and we have provided the damages range instead of the precise damages for the highest single claim settled for a fatality claim) 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 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. We take the view that it would not be fair or lawful (given the sensitive and confidential nature of the information held) to disclose such information, and any disclosure would therefore contravene the first data protection principle.

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.

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/>

TABLE OF CONTENTS

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 Damages Paid for Clinical Claims Closed between the financial years 2019/20 and 2022/23 with a damages payment where any injury is 'Fatality'.

Table 2: Analysis of Primary Causes for Clinical Claims Closed in the financial year 2022/23 with a damages payment where any injury is 'Fatality'.

Table 3: Top 10 NHS Trusts with the Most Clinical Negligence Claims closed between the financial years 2018/19 and 2022/23 with Damages Paid, where any injury is 'Fatality'.

Table 4: The damages range for the highest single clinical claim closed between the financial years 2019/20 and 2022/23 with a damages payment in that financial year, where any injury is 'Fatality'.

Table 1: Number and Damages Paid for Clinical Claims Closed between the financial years 2019/20 and 2022/23 with a damages payment where any injury is 'Fatality'.

FOI View	Closed Settled
Claim_Outcome	Successful
Is_PPO	No

Year of Closure	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2019/20	992	81,090,145	12,266,153	48,147,720	141,504,018
2020/21	919	78,125,814	11,381,731	42,657,704	132,165,249
2021/22	1,095	114,192,272	15,909,634	62,413,261	192,515,167
2022/23	1,101	93,349,775	14,402,410	58,914,888	166,667,072
Grand Total	4,107	366,758,006	53,959,928	212,133,573	632,851,506

Table 2: Analysis of Primary Causes for Clinical Claims Closed in the financial year 2022/23 with a damages payment where any injury is 'Fatality'.

FOI View	Closed Settled
Claim_Outcome	Successful
reportingYear	2022/23
Is_PPO	No

Primary Causes	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Fail / Delay Treatment	297	29,704,937	4,245,527	17,301,728	51,252,192
Failure/Delay Diagnosis	210	20,836,181	3,238,808	12,602,372	36,677,360
Inadequate Nursing Care	85	3,283,865	593,594	2,694,635	6,572,094
Fail/Delay Referring To Hosp.	37	2,180,504	530,422	2,158,708	4,869,633
Inappropriate Treatment	37	3,615,163	515,070	2,201,660	6,331,893
Inappropriate Discharge	34	3,466,642	483,643	1,801,708	5,751,993
Failure To Perform Tests	29	1,689,784	310,990	1,138,975	3,139,749
Medication Errors	28	1,788,718	233,343	945,079	2,967,139
Fail To Supervise	27	910,481	176,373	873,500	1,960,354
Self Harm	26	1,860,157	517,732	2,318,025	4,695,914
Fail To Follow-Up Arrangements	24	1,352,949	142,252	938,753	2,433,954
Fail To Act On Abnorm Test Res	23	1,952,261	226,667	1,133,889	3,312,817
Unexpected Death	22	2,313,491	332,874	1,094,672	3,741,036
Delay In Performing Operation	21	1,842,463	356,740	1,516,650	3,715,853
Failure To Interpret X-Ray	18	1,366,568	147,187	730,784	2,244,539
Fail To Recog. Complication Of	18	1,465,866	186,876	823,500	2,476,242
Fail/Delay Admitting To Hosp.	17	2,410,323	221,267	948,755	3,580,345
Intra-Op Problems	16	1,692,779	223,167	785,800	2,701,746
Fail To Monitor 2nd Stg Labour	13	1,054,095	189,282	668,416	1,911,793
Operator Error	12	780,577	125,558	509,773	1,415,909
Fail To Warn-Informed Consent	11	1,033,500	125,762	851,218	2,010,479
Fail To Make Resp To Abnrm FHR	10	977,520	212,845	736,250	1,926,615
Wrong Diagnosis	9	585,657	120,290	512,750	1,218,697
Lack Of Assistance/Care	8	206,661	36,466	198,250	441,377
Err With Agnt/Dose/Route/Selec	6	348,372	49,395	358,500	756,266
Other	5	473,665	71,419	328,000	873,084
Failure To X-Ray	5	170,943	27,412	157,750	356,105
Fail Antenatal Screening	5	247,240	66,357	223,000	536,597
Fail To Monitor 1st Stg Labour	5	468,000	67,531	270,000	805,531
Bacterial Infection	#	#	#	#	#
Fail To Infrm Test RsIts	#	#	#	#	#
Failure To Perform Operation	#	#	#	#	#
Birth Defects	#	#	#	#	#
Not Specified	#	#	#	#	#
Fail To Interpret USS	#	#	#	#	#
Failed Infection Control Policy/Hospital Hygiene	#	#	#	#	#
Inadequate Monitoring Intra-Op	#	#	#	#	#
Inapp Use Of Forceps/Ventouse	#	#	#	#	#
MisplacedNaso/OrogastricTubeNotDet	#	#	#	#	#
Intubation Problems	#	#	#	#	#
Inapprop. Case Selection	#	#	#	#	#
Fail To Carry Out PO Observs.	#	#	#	#	#
EscapeSecurePrm byMHPTsTransfPrisoners	#	#	#	#	#
Inadqte Monitor In Recov Room	#	#	#	#	#
Fail/Delay Resus By Paediatric	#	#	#	#	#
Lack Of Pre-Op Evaluation	#	#	#	#	#
Injured By Another Patient	#	#	#	#	#
Wrong Site Surgery	#	#	#	#	#
Lack Of Facilities/Equipment	#	#	#	#	#
Cross Infection	#	#	#	#	#
Injury To Others By Patient	#	#	#	#	#
Foreign Body Left In Situ	#	#	#	#	#
Grand Total	1,101	93,349,775	14,402,410	58,914,888	166,667,072

Table 3: Top 10 NHS Trusts with the Most Clinical Negligence Claims closed between the financial years 2018/19 and 2022/23 with Damages Paid, where any injury is 'Fatality'.

FOI View	Closed Settled
Claim_Outcome	Successful
Is_PPO	No

Member Name	No. of Claims	Damages Paid
Manchester University NHS Foundation Trust	131	10,512,563
Mid and South Essex NHS Foundation Trust	112	9,863,046
University Hospitals Birmingham NHS Foundation Trust	108	14,221,774
United Lincolnshire Hospitals NHS Trust	106	11,039,168
Barts Health NHS Trust	98	11,920,183
Northern Care Alliance NHS Foundation Trust	88	3,787,863
The Leeds Teaching Hospitals NHS Trust	84	5,579,049
Nottingham University Hospitals NHS Trust	73	5,294,861
Liverpool University Hospitals NHS Foundation Trust	69	4,136,254
King's College Hospital NHS Foundation Trust	68	6,070,192
Grand Total	937	82,424,953

Table 4: The damages range for the highest single clinical claim closed between the financial years 2019/20 and 2022/23 with a damages payment in that financial year, where any injury is 'Fatality'.

FOI View	Closed Settled
Claim_Outcome	Successful
Is_PPO	No

Year of Closure	Range of Damages Paid
2019/20	£2,500,000 - £3,000,000
2020/21	£1,500,000 - £2,000,000
2021/22	£2,500,000 - £3,000,000
2022/23	£1,000,000 - £1,500,000