NHS Resolution

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December 2023
FOI_6274

The following information was requested on 13 November 2023:

This question relates to all settlements that have been made by the NHSLA and NHS Resolution where the settlement figure of compensation was equal to or in excess of ***£5million****, or the total budgeted payment was estimated to be equal to or in excess of £5million (this is for a staged payment where the initial payment may be less than £5m but over the life of the claim you have budgeted to pay out more than £5m).*

For each settlement please provide the trust name, damages paid and/or total damages budgeted to be paid, injury and speciality.
Please could this data be provided for the last financial year (2022/23).
NOTE: These questions relate to when the claim was paid or closed, not when the claim was lodged or when the incident took place.

NOTE: Please provide the response in the same format and on the same basis as a previous FOI response provided to me [Ref: FOI_4833]

Our Response

Please note our previous response to this similar request is here: FOI_5627_Claims-in-excess-of-5million.pdf (resolution.nhs.uk)

Please note: 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.

Claims notified/received in any given year will often relate to incidents that have occurred many years prior. Due to the nature of 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 and close. They are not guaranteed to be settled and closed in the same year. As such, there will be a time gap between incident and claim closure.

Please find attached the following dataset:

Table 1 – The number and damages value for claims closed (or settled with a periodical payment order) in financial year 2022/23 with a damages value equal to or greater than £5 million. The damages value is as at the end of the 2022/23 financial year. For claims closed with a 'lump sum only' it includes the damages paid, and for claims settled with a periodical payment order it includes total paid damages and estimated future liability. Breakdown by Member Trust with 5 or more claims.

Please note Claims recorded against the Department of Health and Social Care (showing as Department of Health) include liabilities arising from defunct NHS organisations, which transferred to the Secretary of State for Health and Social Care when those organisations were abolished. Please see our website for details: Clinical schemes - NHS Resolution & Non-clinical schemes - NHS Resolution.

Table 2 – Number and damages value for Claims Closed (or settled with a periodical payment order) in financial year 2022/23 with a damages value equal to or greater than £5 million. The damages value is as at the end of the 2022/23 financial year. For claims closed with a 'lump sum only' it includes the damages paid, and for claims settled with a periodical payment order it includes total paid damages and estimated future liability. Breakdown by primary injury with 5 or more claims.

Table 3 – Number and Damages value for Claims Closed (or settled with a periodical payment order) in financial year 2022/23 with a damages value equal to or greater than £5 million. The damages value is as at the end of the 2022/23 financial year. For claims closed with a 'lump sum only' it includes the damages paid, and for claims settled with a periodical payment order it includes total paid damages and estimated future liability. Breakdown by primary speciality with 5 or more claims.

PPOs -

The information disclosed includes 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. The amount reserved against the claim will include an estimate of the capitalised value of future payments based on the injured party's life expectancy as at the date of settlement.

Low Numbers

We have supressed low figures and not provided the names of the Trusts with fewer than 5 claims, 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 FOI 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/

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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.

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Table 1: The number and damages value for claims closed (or settled with a periodical payment order) in financial year 2022/23 with a damages value equal to or greater than £5 million. The damages value is as at the end of the 2022/23 financial year: for claims closed with a 'lump sum only' it includes the damages paid, and for claims settled with a periodical payment order it includes total paid damages and estimated future liability. Breakdown by member name.

FOI View	Closed Settled
scheme	(All)
Claim_Outcome	Successful

Year of Closure (Settlement Year for PPOs) ----- Member Name	No. of Claims	Total Damages
2022/23	**139**	**1,945,925,015**
69 Members with less than 5 claims	101	1,450,450,323
Department of Health		
DH CL	6	79,896,521
Barts Health NHS Trust	6	68,231,098
University Hospitals Sussex NHS Foundation Trust	6	73,288,105
Blackpool Teaching Hospitals NHS Foundation Trust	5	73,213,747
Somerset NHS Foundation Trust	5	63,071,634
Mid and South Essex NHS Foundation Trust	5	65,037,559
Grand Total	139	1,945,925,015

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Table 2: Number and Damages value for Claims Closed (or settled with a periodical payment order) in financial year 2022/23 with a damages value equal to or greater than £5 million. The damages value is as at the end of the 2022/23 financial year: for claims closed with a 'lump sum only' it includes the damages paid, and for claims settled with a periodical payment order it includes total paid damages and estimated future liability. Breakdown by primary injury.

FOI View	Closed Settled
scheme	(All)
Claim_Outcome	Successful

Year of Closure (Settlement Year for PPOs)----- Prim	No. of Claims	Total Damages
2022/23	**139**	**1,945,925,015**
Cerebral Palsy	61	863,895,224
Brain Damage	47	733,917,445
13 Primary Injuries with less than 5 claims	19	225,107,814
Amputation - Lower	7	74,903,886
Wrongful Birth	5	48,100,647

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Table 3: Number and Damages value for Claims Closed (or settled with a periodical payment order) in financial year 2022/23 with a damages value equal to or greater than £5 million. The damages value is as at the end of the 2022/23 financial year: for claims closed with a 'lump sum only' it includes the damages paid, and for claims settled with a periodical payment order it includes total paid damages and estimated future liability. Breakdown by primary speciality.

FOI View	Closed Settled
scheme	(All)
Claim_Outcome	Successful

Year of Closure (Settlement Year for PPOs) ----- Primary Specialty	No. of Claims	Total Damages
2022/23	**139**	**1,945,925,015**
Obstetrics	90	1,297,279,487
Paediatrics	22	317,531,445
13 Primary Specialties with less than 5 claims	19	230,206,496
Emergency Medicine	8	100,907,587