



Resolution

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December 2023

FOI_6314

The following information was requested on 5 December 2023:

1. In the 2022/23 financial year how many patients successfully claimed damages after claiming that they suffered bedsores as a result of negligent treatment at the hands of the NHS?

2. What was the total amount of damages paid as a result of these claims?

3. How many patients who successfully claimed for bedsores also claimed for an amputation as a result of a consequence of suffering bedsores?

Please note the question relates to the year the payment was made irrespective of when the incident happened or when the claim was lodged."

Our Response

By way of advice and assistance (and further to our duties under s. 16 FOIA): Our overarching claims management system (CMS) database is currently set up to primarily record numerical and pre-defined field-based data, rather than free text (which is contained within the individual case files). We do not have specific [coding](#) for: **bedsores**. Rather we have a defined injury code for **pressure sores**. However, pressure sores are often referred to as bedsores.

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.

The individual nature of claims received by NHS Resolution means they can vary significantly in value and any such fluctuations cannot be interpreted as trends. Please find attached the following information held in relation to pressure sores (also known as pressure ulcers or bedsores).

Table 1 shows: - Number and Cost of Clinical Claims Closed in financial year 2022/23, where one of the injury codes is '**pressure sores**' with a damages payment.

Table 2 shows: - Number and Cost of Clinical Claims Closed in financial year 2022/23, where one of the injury codes is '**pressure sores**' and '**amputation**' with a damages payment.

Please also note in respect of **table 2** it may have not been possible to capture **all** of the claims where the injury code is pressure sore and an amputation injury. The Claims management database was designed primarily as a claims management tool rather than for research purposes. A claim may be multi-factorial and/or settled on a number of bases, which is not easily captured in the database. We would need to manually review **290** individual claims to be certain whether an amputation injury also occurred. This would exceed the appropriate limit set under the FOI legislation.

Therefore, we estimate that the cost of complying with the request in its entirety would exceed the 'appropriate limit'. Section 12(1) of the FOIA is a provision which allows a public authority to refuse to comply with a request for information where the cost of compliance is estimated to exceed a set limit (known as the 'appropriate limit'). The 'appropriate limit' for NHS Resolution is £450. This equates to 18 hours of work at the rate of £25 per hour set out in the 'Fees Regulations'. We have provided the information we are able to provide within the cost limit.

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 Claims Closed in financial year 2022/23 with damages paid, where the injury code 'pressure sores' is recorded at any level.](#)

[Table 2: Number and Cost of Claims Closed in financial year 2022/23 with damages paid, where both 'pressure sores' and 'amputation' injury codes are recorded at any level.](#)

Table 1: Number and Cost of Claims Closed in financial year 2022/23 with damages paid, where the injury code 'pressure sores' is recorded at any level.

FOI View	Closed Settled
Clinical	Clinical

Year of Closure	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2022/23	290	12,125,528	2,353,046	12,015,035	26,493,608
Grand Total	290	12,125,528	2,353,046	12,015,035	26,493,608

Table 2: Number and Cost of Claims Closed in financial year 2022/23 with damages paid, where both 'pressure sores' and 'amputation' injury codes are recorded at any level.

FOI View	Closed Settled
Clinical	Clinical
Amputation	Y

Year of Closure	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2022/23	11	1,239,542	204,938	756,762	2,201,242
Grand Total	11	1,239,542	204,938	756,762	2,201,242