



Resolution

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January 2024
FOI_6344

The following information was requested on 2 January 2024:

Using a previous FOI publication (F/3279), please could you provide exactly the same data but for the years 2017/18 to present?

Previous FOI Request [FOI_3279] was for:

- 1. Claims received where the patient is under 18 (17 years old and under) where informed consent/fail to warn is the main cause?*
- 2. Claims settled where the patient is under 18 (17 years old and under) where informed consent/fail to warn is the main cause?*
- 3. Claims received where the patient is under 18 (17 years old and under) where informed consent/fail to warn is one of the causes?*
- 4. Claims settled where the patient is under 18 (17 years old and under) where informed consent/fail to warn is the one of the causes?*
- 5. The data for 1-4 above but broken down into the following category of ages: 16-17 year olds, 12-15 year olds, 4-11 year olds, 3 years old and under?*
- 6. Claims received, and claims settled where the patient is under 18 (17 years old and under) where 'failure to warn/informed consent' is a cause and 'removal and retention of organs' is also a cause?*

Our Response

Please find attached the requested information we are able to provide. This information only covers England and not the rest of the 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>.

Due to the fact that we have changed the way we extract our data we have provided information from **2006/07** – 2022/23. The information for the financial year 2023/24 is currently unavailable and will be available on request from July 2024.

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 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.

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 nil damages payment), challenged, reopened, and closed again at conclusion.

Please also note that the data shows a variation in the number of claims received and closed during this period. 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: - Number of clinical claims and incidents received between financial years '2006/07' and '2022/23', where the Primary Cause is 'Fail To Warn-Informed Consent' and the patient is 17 years old or under at the time of incident.

Table 2 shows: - Number of clinical claims closed, (or settled as a PPO) between financial years '2006/07' and '2022/23' with a damages payment, where the Primary Cause is 'Fail To Warn-Informed Consent' and the patient is 17 years old or under at the time of incident.

Table 3 shows: - Number of clinical claims and incidents received between financial years '2006/07' and '2022/23', where 'Fail To Warn-Informed Consent' is any one of the causes and the patient is 17 years old or under at the time of incident.

Table 4 shows: - Number of clinical claims closed, (or settled as a PPO) between financial years '2006/07' and '2022/23' with a damages payment, where 'Fail To Warn-Informed Consent' is any one of the causes and the patient is 17 years old or under at the time of incident.

Table 5 shows: - Number of clinical claims and incidents received between financial years '2006/07' and '2022/23', where 'Fail To Warn-Informed Consent' is the Primary Cause and the patient is 16-17 years ,12 to 15 years, 4 to 11 years and 3 years old or under at the time of incident.

Table 6 shows: - Number of clinical claims closed, (or settled as a PPO) between financial years '2006/07' and '2022/23' with a damages payment, where 'Fail To Warn-Informed Consent' is the Primary Cause and the patient is 16-17 years ,12 to 15 years, 4 to 11 years and 3 years old or under at the time of incident.

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Table 8 shows: - Number of clinical claims closed, (or settled as a PPO) between financial years '2006/07' and '2022/23' with a damages payment, where 'Fail To Warn-Informed Consent' is any one of the causes and the patient is 16-17 years ,12 to 15 years, 4 to 11 years and 3 years old or under at the time of incident.

Table 9 shows: - Number of clinical claims and incidents received between financial years '2006/07' and '2022/23', where **either** or both 'Fail To Warn-Informed Consent' or/and 'Removal & Retention Of Organs' are causes and the patient is 17 years or under at the time of incident.

PPOs

Periodical Payment Orders (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.

Low figures

We have not provided the information for low figures involved 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.

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.

Please refer to [Understanding NHS Resolution data](#) guidance for further details on how our Claims database is categorised.

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 of clinical claims and incidents received between financial years '2006/07' and '2022/23', where the Primary Cause is 'Fail To Warn-Informed Consent' and the patient is 17 years old or under at the time of incident.

Table 2: Number of clinical claims closed, (or settled as a PPO) between financial years '2006/07' and '2022/23' with a damages payment, where the Primary Cause is 'Fail To Warn-Informed Consent' and the patient is 17 years old or under at the time of incident.

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Table 4: Number of clinical claims closed, (or settled as a PPO) between financial years '2006/07' and '2022/23' with a damages payment, where 'Fail To Warn-Informed Consent' is any one of the causes and the patient is 17 years old or under at the time of incident.

Table 5: Number of clinical claims and incidents received between financial years '2006/07' and '2022/23', where 'Fail To Warn-Informed Consent' is the Primary Cause and the patient is 16-17 years, 12 to 15 years, 4 to 11 years and 3 years old or under at the time of incident.

Table 6: Number of clinical claims closed, (or settled as a PPO) between financial years '2006/07' and '2022/23' with a damages payment, where 'Fail To Warn-Informed Consent' is the Primary Cause and the patient is 16-17 years, 12 to 15 years, 4 to 11 years and 3 years old or under at the time of incident.

Table 7: Number of clinical claims and incidents received between financial years '2006/07' and '2022/23', where 'Fail To Warn-Informed Consent' is any one of the causes and the patient is 16-17 years, 12 to 15 years, 4 to 11 years and 3 years old or under at the time of incident.

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Table 8: Number of clinical claims closed, (or settled as a PPO) between financial years '2006/07' and '2022/23' with a damages payment, where 'Fail To Warn-Informed Consent' is any one of the causes and the patient is 16-17 years, 12 to 15 years, 4 to 11 years and 3 years old or under at the time of incident.

Table 9: Number of clinical claims and incidents received between financial years '2006/07' and '2022/23', where either or both 'Fail To Warn-Informed Consent' or/and 'Removal & Retention Of Organs' are causes and the patient is 17 years or under at the time of incident.

Table 1: Number of clinical claims and incidents received between financial years '2006/07' and '2022/23', where the Primary Cause is 'Fail To Warn-Informed Consent' and the patient is 17 years old or under at the time of incident.

FOI View Cause1L1 AgeYearAtIncident	Notified Fail To Warn-Informed Consent (Multiple Items)
Year of Notification	No. of Claims
2006/07	#
2007/08	#
2008/09	13
2009/10	10
2010/11	8
2011/12	14
2012/13	12
2013/14	11
2014/15	7
2015/16	17
2016/17	25
2017/18	30
2018/19	23
2019/20	19
2020/21	31
2021/22	30
2022/23	33
Grand Total	291

Table 2: Number of clinical claims closed, (or settled as a PPO) between financial years '2006/07' and '2022/23' with a damages payment, where the Primary Cause is 'Fail To Warn-Informed Consent' and the patient is 17 years old or under at the time of incident.

FOI View	Closed Settled
Claim_Outcome	Successful
Cause1L1	Fail To Warn-Informed Consent
AgeYearAtIncident	(Multiple Items)

Year of Closure (Settlement Year for PPOs)	No. of Claims
2006/07	8
2007/08	8
2008/09	5
2009/10	#
2010/11	9
2011/12	9
2012/13	8
2013/14	7
2014/15	7
2015/16	#
2016/17	6
2017/18	10
2018/19	11
2019/20	14
2020/21	10
2021/22	17
2022/23	13
Grand Total	146

Table 3: Number of clinical claims and incidents received between financial years '2006/07' and '2022/23', where 'Fail To Warn-Informed Consent' is any one of the causes and the patient is 17 years old or under at the time of incident.

FOI View ConcatCauseAll AgeYearAtIncident	Notified (Multiple Items) (Multiple Items)
Year of Notification	No. of Claims
2006/07	6
2007/08	5
2008/09	14
2009/10	10
2010/11	10
2011/12	16
2012/13	14
2013/14	12
2014/15	14
2015/16	27
2016/17	32
2017/18	46
2018/19	31
2019/20	30
2020/21	51
2021/22	49
2022/23	57
Grand Total	424

Table 4: Number of clinical claims closed, (or settled as a PPO) between financial years '2006/07' and '2022/23' with a damages payment, where 'Fail To Warn-Informed Consent' is any one of the causes and the patient is 17 years old or under at the time of incident.

FOI View	Closed Settled
Claim_Outcome	Successful
ConcatCauseAll	(Multiple Items)
AgeYearAtIncident	(Multiple Items)

Year of Closure (Settlement Year for PPOs)	No. of Claims
2006/07	8
2007/08	11
2008/09	6
2009/10	6
2010/11	9
2011/12	9
2012/13	11
2013/14	8
2014/15	8
2015/16	#
2016/17	8
2017/18	15
2018/19	17
2019/20	20
2020/21	15
2021/22	26
2022/23	20

Table 5: Number of clinical claims and incidents received between financial years '2006/07' and '2022/23', where 'Fail To Warn-Informed Consent' is the Primary Cause and the patient is 16-17 years ,12 to 15 years, 4 to 11 years and 3 years old or under at the time of incident.

3 Year old and under

FOI View	Notified
Cause1L1	Fail To Warn-Informed Consent
AgeYearAtIncident	(Multiple Items)

Year of Notification	No. of Claims
2006/07	#
2007/08	#
2008/09	#
2009/10	#
2010/11	#
2011/12	6
2012/13	6
2013/14	6
2014/15	#
2015/16	12
2016/17	12
2017/18	19
2018/19	10
2019/20	12
2020/21	20
2021/22	21
2022/23	19
Grand Total	158

4 to 11 years

FOI View	Notified
Cause1L1	Fail To Warn-Informed Consent
AgeYearAtIncident	(Multiple Items)

Year of Notification	No. of Claims
2007/08	#
2008/09	#
2009/10	#
2010/11	#
2011/12	#
2012/13	#
2013/14	#
2014/15	#
2015/16	#
2016/17	6
2017/18	#
2018/19	6
2019/20	#
2020/21	#
2021/22	#
2022/23	5
Grand Total	43

Table 5: Number of clinical claims and incidents received between financial years '2006/07' and '2022/23', where 'Fail To Warn-Informed Consent' is the Primary Cause and the patient is 16-17 years ,12 to 15 years, 4 to 11 years and 3 years old or under at the time of incident.

12 to 15 years

FOI View Cause1L1 AgeYearAtIncident	Notified Fail To Warn-Informed Consent (Multiple Items)
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Year of Notification	No. of Claims
2006/07	#
2008/09	#
2009/10	#
2010/11	#
2011/12	#
2012/13	#
2013/14	#
2014/15	#
2015/16	#
2016/17	#
2017/18	5
2018/19	#
2019/20	#
2020/21	6
2021/22	6
2022/23	6
Grand Total	48

16-17 years

FOI View Cause1L1 AgeYearAtIncident	Notified Fail To Warn-Informed Consent (Multiple Items)
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Year of Notification	No. of Claims
2006/07	#
2007/08	#
2008/09	#
2009/10	#
2010/11	#
2011/12	#
2012/13	#
2013/14	#
2014/15	#
2015/16	#
2016/17	#
2017/18	#
2018/19	5
2019/20	#
2020/21	#
2021/22	#
2022/23	#
Grand Total	42

Table 6: Number of clinical claims closed, (or settled as a PPO) between financial years '2006/07' and '2022/23' with a damages payment, where 'Fail To Warn-Informed Consent' is the Primary Cause and the patient is 16-17 years ,12 to 15 years, 4 to 11 years and 3 years old or under at the time of incident.

3 Year old and under

FOI View	Closed Settled
Claim_Outcome	Successful
AgeYearAtIncident	(Multiple Items)
Cause1L1	Fail To Warn-Informed Consent

Year of Closure (Settlement Year for PPOs)	No. of Claims
2006/07	#
2007/08	#
2008/09	#
2009/10	#
2010/11	#
2011/12	#
2012/13	#
2013/14	5
2014/15	#
2016/17	#
2017/18	5
2018/19	5
2019/20	#
2020/21	5
2021/22	11
2022/23	10
Grand Total	67

4 to 11 years

FOI View	Closed Settled
Claim_Outcome	Successful
AgeYearAtIncident	(Multiple Items)
Cause1L1	Fail To Warn-Informed Consent

Year of Closure (Settlement Year for PPOs)	No. of Claims
2006/07	#
2007/08	#
2008/09	#
2009/10	#
2010/11	#
2011/12	#
2012/13	#
2015/16	#
2016/17	#
2017/18	#
2018/19	#
2019/20	6
2020/21	#
2022/23	#
Grand Total	29

12 to 15 years

FOI View	Closed Settled
Claim_Outcome	Successful

Table 6: Number of clinical claims closed, (or settled as a PPO) between financial years '2006/07' and '2022/23' with a damages payment, where 'Fail To Warn-Informed Consent' is the Primary Cause and the patient is 16-17 years ,12 to 15 years, 4 to 11 years and 3 years old or under at the time of incident.

AgeYearAtIncident	(Multiple Items)
Cause1L1	Fail To Warn-Informed Consent

Year of Closure (Settlement Year for PPOs)	No. of Claims
2006/07	#
2008/09	#
2010/11	#
2011/12	#
2012/13	#
2013/14	#
2014/15	#
2017/18	#
2018/19	#
2019/20	#
2020/21	#
2021/22	#
2022/23	#
Grand Total	25

16-17 years

FOI View	Closed Settled
Claim_Outcome	Successful
AgeYearAtIncident	(Multiple Items)
Cause1L1	Fail To Warn-Informed Consent

Year of Closure (Settlement Year for PPOs)	No. of Claims
2006/07	#
2007/08	#
2010/11	#
2011/12	#
2012/13	#
2014/15	#
2016/17	#
2017/18	#
2018/19	#
2019/20	#
2020/21	#
2021/22	#
2022/23	#
Grand Total	25

Table 7: Number of clinical claims and incidents received between financial years '2006/07' and '2022/23', where 'Fail To Warn-Informed Consent' is any one of the causes and the patient is 16-17 years ,12 to 15 years, 4 to 11 years and 3 years old or under at the time of incident.

3 Year old and under

FOI View	Notified
AgeYearAtIncident	(Multiple Items)
ConcatCauseAll	(Multiple Items)

Year of Notification	No. of Claims
2006/07	#
2007/08	#
2008/09	#
2009/10	#
2010/11	#
2011/12	7
2012/13	8
2013/14	6
2014/15	6
2015/16	15
2016/17	14
2017/18	26
2018/19	15
2019/20	18
2020/21	33
2021/22	35
2022/23	35
Grand Total	234

4 to 11 years

FOI View	Notified
AgeYearAtIncident	(Multiple Items)
ConcatCauseAll	(Multiple Items)

Year of Notification	No. of Claims
2006/07	#
2007/08	#
2008/09	#
2009/10	#
2010/11	#
2011/12	#
2012/13	#
2013/14	#
2014/15	#
2015/16	5
2016/17	10
2017/18	6
2018/19	7
2019/20	#
2020/21	6
2021/22	#
2022/23	6
Grand Total	63

Table 7: Number of clinical claims and incidents received between financial years '2006/07' and '2022/23', where 'Fail To Warn-Informed Consent' is any one of the causes and the patient is 16-17 years ,12 to 15 years, 4 to 11 years and 3 years old or under at the time of incident.

12 to 15 years

FOI View	Notified
AgeYearAtIncident	(Multiple Items)
ConcatCauseAll	(Multiple Items)

Year of Notification	No. of Claims
2006/07	#
2008/09	#
2009/10	#
2010/11	#
2011/12	#
2012/13	#
2013/14	#
2014/15	#
2015/16	5
2016/17	#
2017/18	9
2018/19	#
2019/20	5
2020/21	8
2021/22	8
2022/23	12
Grand Total	71

16-17 years

FOI View	Notified
AgeYearAtIncident	(Multiple Items)
ConcatCauseAll	(Multiple Items)

Year of Notification	No. of Claims
2006/07	#
2007/08	#
2008/09	#
2009/10	#
2010/11	#
2011/12	#
2012/13	#
2013/14	#
2014/15	#
2015/16	#
2016/17	#
2017/18	5
2018/19	5
2019/20	#
2020/21	#
2021/22	5
2022/23	#
Grand Total	56

Table 8: Number of clinical claims closed, (or settled as a PPO) between financial years '2006/07' and '2022/23' with a damages payment, where 'Fail To Warn-Informed Consent' is any one of the causes and the patient is 16-17 years ,12 to 15 years, 4 to 11 years and 3 years old or under at the time of incident.

3 Years old and under

FOI View	Closed Settled
Claim_Outcome	Successful
AgeYearAtIncident	(Multiple Items)
ConcatCauseAll	(Multiple Items)

Year of Closure (Settlement Year for PPOs)	No. of Claims
2006/07	#
2007/08	6
2008/09	#
2009/10	#
2010/11	#
2011/12	#
2012/13	5
2013/14	6
2014/15	#
2016/17	#
2017/18	7
2018/19	7
2019/20	7
2020/21	7
2021/22	15
2022/23	15
Grand Total	95

4 to 11 years

FOI View	Closed Settled
Claim_Outcome	Successful
AgeYearAtIncident	(Multiple Items)
ConcatCauseAll	(Multiple Items)

Year of Closure (Settlement Year for PPOs)	No. of Claims
2006/07	#
2007/08	#
2008/09	#
2009/10	#
2010/11	#
2011/12	#
2012/13	#
2015/16	#
2016/17	#
2017/18	#
2018/19	#
2019/20	7
2020/21	#
2021/22	#
2022/23	#
Grand Total	37

Table 8: Number of clinical claims closed, (or settled as a PPO) between financial years '2006/07' and '2022/23' with a damages payment, where 'Fail To Warn-Informed Consent' is any one of the causes and the patient is 16-17 years ,12 to 15 years, 4 to 11 years and 3 years old or under at the time of incident.

12 to 15 years

FOI View	Closed Settled
Claim_Outcome	Successful
AgeYearAtIncident	(Multiple Items)
ConcatCauseAll	(Multiple Items)

Year of Closure (Settlement Year for PPOs)	No. of Claims
2006/07	#
2008/09	#
2010/11	#
2011/12	#
2012/13	#
2013/14	#
2014/15	#
2015/16	#
2016/17	#
2017/18	#
2018/19	#
2019/20	#
2020/21	#
2021/22	5
2022/23	#
Grand Total	35

16-17 years

FOI View	Closed Settled
Claim_Outcome	Successful
AgeYearAtIncident	(Multiple Items)
ConcatCauseAll	(Multiple Items)

Year of Closure (Settlement Year for PPOs)	No. of Claims
2006/07	#
2007/08	#
2008/09	#
2010/11	#
2011/12	#
2012/13	#
2014/15	#
2016/17	#
2017/18	#
2018/19	#
2019/20	#
2020/21	#
2021/22	#
2022/23	#
Grand Total	32

Table 9: Number of clinical claims and incidents received between financial years '2006/07' and '2022/23', where either or both 'Fail To Warn-Informed Consent' or/and 'Removal & Retention Of Organs' are causes and the patient is 17 years or under at the time of incident.

FOI View	Notified
BothCauses	(All)
AgeYearAtIncident	(Multiple Items)

Year of Notification	No. of Claims
2006/07	6
2007/08	5
2008/09	14
2009/10	11
2010/11	10
2011/12	16
2012/13	14
2013/14	13
2014/15	14
2015/16	27
2016/17	33
2017/18	46
2018/19	31
2019/20	30
2020/21	51
2021/22	49
2022/23	57
Grand Total	427