



Resolution

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February 2024

FOI_6350

The following information was requested on 3 January 2024:

One of the ways of raising awareness of the risks associated with medicines use is to look at the cost of claims when things go wrong. With that in mind, we would like if possible to know what the total annual costs are of claims where a medicine has been implicated in a resolution our region [North East North Cumbria (NENC) & North East & Yorkshire].

Our Response

Please find attached the requested information.

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 [Understanding NHS Resolution data - NHS Resolution](#)

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.

The data shows variation in numbers of cases closed per year and costs attributed to those claims. This is a reflection of the nature of individual claims received and resolved by NHS Resolution which can vary significantly. As such these fluctuations cannot be interpreted as trends.

Table 1: Number of Clinical Claims and Incidents received between financial years '2006/07' and '2022/23', for members in the "North-East and Yorkshire" region, where the Primary Cause is "Medication Errors", "Incorrect Injection Site" or "Err With Agnt/Dose/Route/Selec".

Table 2: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years '2006/07' and '2022/23' with a damages payment, for members in the "North-East and Yorkshire" region, where the Primary Cause is "Medication Errors", "Incorrect Injection Site" or "Err With Agnt/Dose/Route/Selec". (The data includes the damages and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.)

Table 3: Number and Cost of Clinical Claims Closed between financial years '2006/07' and '2022/23' with **NIL** damages paid, for members in the "North-East and Yorkshire" region, where the Primary Cause is "Medication Errors", "Incorrect Injection Site" or "Err With Agnt/Dose/Route/Selec".

Table 4: Number of Clinical Claims and Incidents received between financial years '2006/07' and '2022/23', for members in (and including) North-East and North Cumbria Integrated Care Board, where the Primary Cause is "Medication Errors", "Incorrect Injection Site" or "Err With Agnt/Dose/Route/Selec".

Table 5: Number and Cost of Claims Closed (or settled with a periodical payment order) between financial years '2006/07' and '2022/23' with a damages payment, for members in (and including) North-East and North Cumbria Integrated Care Board, where the Primary Cause is "Medication Errors", "Incorrect Injection Site" or "Err With Agnt/Dose/Route/Selec". (The data includes the damages and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.)

Table 6: Number and Cost of Claims Closed between financial years '2006/07' and '2022/23' with **NIL** damages paid, for members in (and including) North-East and North Cumbria Integrated Care Board, where the Primary Cause is "Medication Errors", "Incorrect Injection Site" or "Err With Agnt/Dose/Route/Selec".

Table 7: List of members in the "North-East and Yorkshire" region, that are represented in tables 1 to 3.

Table 8: List of members in (and including) North-East and North Cumbria Integrated Care Board, that are represented in tables 4 to 6.

PPOs

The information disclosed includes damages and costs 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, costs 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.

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.

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 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' ,for members in the "North East and Yorkshire" region, where the Primary Cause is "Medication Errors", "Incorrect Injection Site" or "Err With Agnt/Dose/Route/Selec".

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Table 3: Number and Cost of Clinical Claims Closed between financial years '2006/07' and '2022/23' with NIL damages paid , for members in the "North East and Yorkshire" region, where the Primary Cause is "Medication Errors", "Incorrect Injection Site" or "Err With Agnt/Dose/Route/Selec".

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Table 6: Number and Cost of Clinical Claims Closed between financial years '2006/07' and '2022/23' with NIL damages paid , for members in (and including) North East and North Cumbria Integrated Care Board, where the Primary Cause is "Medication Errors", "Incorrect Injection Site" or "Err With Agnt/Dose/Route/Selec".

Table 7: List of members in the "North East and Yorkshire" region, that are represented in tables 1 to 3.

Table 8: List of members in (and Including) North east and North Cumbria Integrated Care Board, that are represented in tables 4 to 6.

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FOI View	Notified
Year of Notification	No. of Claims
2006/07	25
2007/08	44
2008/09	44
2009/10	36
2010/11	54
2011/12	57
2012/13	68
2013/14	64
2014/15	61
2015/16	62
2016/17	50
2017/18	60
2018/19	58
2019/20	63
2020/21	45
2021/22	43
2022/23	62
Grand Total	896

Table 2: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years '2006/07' and '2022/23' with a damages payment, for members in the "North East and Yorkshire" region, where the Primary Cause is "Medication Errors", "Incorrect Injection Site" or "Err With Agnt/Dose/Route/Selec". (The data includes the damages and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.)

FOI View

Closed Settled

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2006/07	33	2,237,436	256,999	600,294	3,094,729
2007/08	26	3,035,088	136,190	491,042	3,662,320
2008/09	24	2,025,770	135,246	585,554	2,746,570
2009/10	34	900,948	94,134	520,452	1,515,533
2010/11	26	968,640	108,473	447,076	1,524,189
2011/12	43	1,936,496	175,106	864,736	2,976,339
2012/13	38	966,992	225,533	1,209,555	2,402,079
2013/14	35	4,910,610	253,461	1,183,900	6,347,971
2014/15	49	7,988,839	600,055	2,487,817	11,076,710
2015/16	38	2,903,396	277,061	1,467,070	4,647,527
2016/17	50	1,568,419	193,524	1,137,276	2,899,218
2017/18	30	946,778	167,847	876,103	1,9

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FOI View

Closed Settled

Year of Closure	No. of Claims	NHS Legal Costs Paid	Claimant Legal Costs Paid
2006/07	11	#	0
2007/08	16	160,386	#
2008/09	15	61,701	#
2009/10	14	49,949	0
2010/11	20	25,277	0
2011/12	24	71,416	0
2012/13	26	57,114	0
2013/14	28	108,928	#
2014/15	32	50,034	0
2015/16	25	50,732	0
2016/17	27	48,135	0
2017/18	19	45,746	0
2018/19	25	105,262	#
2019/20	15	37,240	0
2020/21	20	100,940	0
2021/22	15	163,600	0
2022/23	20	78,585	0

Table 4: Number of Clinical Claims and Incidents received between financial years '2006/07' and '2022/23' ,for members in (and including) North East and North Cumbria Integrated Care Board, where the Primary Cause is "Medication Errors", "Incorrect Injection Site" or "Err With Agnt/Dose/Route/Selec".

FOI View ICBname	Notified North East and North Cumbria Integrated Care Board
Year of Notification	No. of Claims
2006/07	8
2007/08	17
2008/09	18
2009/10	15
2010/11	19
2011/12	18
2012/13	21
2013/14	20
2014/15	24
2015/16	18
2016/17	18
2017/18	21
2018/19	21
2019/20	24
2020/21	15
2021/22	23
2022/23	22
Grand Total	322

Table 5: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years '2006/07' and '2022/23' with a damages payment, for members in (and including) North East and North Cumbria Integrated Care Board, where the Primary Cause is "Medication Errors", "Incorrect Injection Site" or "Err With Agnt/Dose/Route/Selec". (The data includes the damages and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.)

FOI View	Closed Settled
ICBname	North East and North Cumbria Integrated Care Board

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2006/07	9	1,486,936	117,220	207,038	1,811,194
2007/08	6	213,500	20,363	67,098	300,961
2008/09	10	382,465	17,571	89,241	489,277
2009/10	14	521,500	30,091	317,075	868,666
2010/11	12	406,140	27,951	232,522	666,613
2011/12	12	298,739	62,960	379,836	741,535
2012/13	15	481,707	139,073	554,391	1,175,170
2013/14	11	2,016,446	62,311	334,850	2,413,607
2014/15	19	1,747,159	261,713	1,565,843	3,574,715
2015/16	9	175,686	37,981	288,542	502,209
2016/17	14	96,250	33,852	222,064	352,166
2017/18	#	#	#	#	#
2018/19	13	452,365	49,153	245,6	

Table 6: Number and Cost of Clinical Claims Closed between financial years '2006/07' and '2022/23' with NIL damages paid , for members in (and including) North East and North Cumbria Integrated Care Board, where the Primary Cause is "Medication Errors", "Incorrect Injection Site" or "Err With Agnt/Dose/Route/Selec".

FOI View Closed Settled
ICBname North East and North Cumbria Integrated Care Board

Year of Closure	No. of Claims	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2006/07	#	#	#	#
2007/08	6	81,408	0	78,269
2008/09	7	20,560	0	20,560
2009/10	5	24,465	0	24,465
2010/11	9	17,533	0	17,533
2011/12	8	22,011	0	22,011
2012/13	#	#	#	#
2013/14	9	5,906	0	5,906
2014/15	11	9,510	0	9,510
2015/16	8	31,165	0	31,165
2016/17	11	17,760	0	17,760
2017/18	12	38,963	0	38,963
2018/19	10	10,200	0	10,200
2019/20	#	#	#	#
2020/21	5	8,713	0	8,713
2021/22	8	42,198	0	42,198
2022/23	9	53,417	0	53,417
Grand Total	129	392,509	0	389,371

Table 7: List of members in the "North East and Yorkshire" region, that are represented in tables 1 to 3.

Member Name
Airedale NHS Foundation Trust
Barnsley Hospital NHS Foundation Trust
Bradford District Care Trust
Bradford Teaching Hospitals NHS Foundation Trust
Calderdale & Huddersfield NHS Foundation Trust
County Durham and Darlington NHS Foundation Trust
Cumbria, Northumberland, Tyne and Wear NHS Foundation Trust
Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust
Gateshead Health NHS Foundation Trust
Harrogate & District NHS Foundation Trust
Hull University Teaching Hospitals NHS Trust
Humber Teaching NHS Foundation Trust
Leeds & York Partnerships NHS Foundation Trust
Leeds Community Healthcare
Mid Yorkshire Hospitals NHS Trust (The)
Newcastle Upon Tyne Hospitals NHS Foundation Trust (The)
North Cumbria Integrated Care NHS Foundation Trust
North Tees & Hartlepool NHS Foundation Trust
Northern Lincolnshire & Goole Hospitals NHS Foundation Trust
Northumberland Care Trust
Northumbria Healthcare NHS Foundation Trust
Rotherham Doncaster and South Humber NHS Foundation Trust
Scarborough and North East Yorkshire Healthcare NHS Trust
Sheffield Children's NHS Foundation Trust
Sheffield Health & Social Care NHS Foundation Trust
Sheffield Teaching Hospitals NHS Foundation Trust
South Tees Hospitals NHS Foundation Trust
South Tyneside and Sunderland NHS Foundation Trust
South West Yorkshire Partnership NHS Foundation Trust
Tees, Esk and Wear Valleys NHS Foundation Trust
The Leeds Teaching Hospitals NHS Trust
The Rotherham NHS Foundation Trust
York and Scarborough Teaching Hospitals NHS Foundation Trust
Yorkshire Ambulance Service NHS Trust

Table 8: List of members in (and including) North east and North Cumbria Integrated Care Board, that are represented in tables 4 to 6.

ICBname	North East and North Cumbria Integrated Care Board
Member Name	
County Durham and Darlington NHS Foundation Trust	
Cumbria, Northumberland, Tyne and Wear NHS Foundation Trust	
Gateshead Health NHS Foundation Trust	
Newcastle Upon Tyne Hospitals NHS Foundation Trust (The)	
North Cumbria Integrated Care NHS Foundation Trust	
North Tees & Hartlepool NHS Foundation Trust	
Northumberland Care Trust	
Northumbria Healthcare NHS Foundation Trust	
South Tees Hospitals NHS Foundation Trust	
South Tyneside and Sunderland NHS Foundation Trust	
Tees, Esk and Wear Valleys NHS Foundation Trust	