NHS Resolution

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April 2024
FOI_6452

The following information was requested on 14 March 2024:

Follow up to: FOI_6427_Medication-Error.pdf (resolution.nhs.uk)

Thank you so much for your response.

Can you also provide the number of these claims that were settled with damages paid, the number of claims without merit and the number of claims that remain open?

As well as the amount of damages paid out to claimants per year?

Our Response

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. 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.

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 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 and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2020/21 and 2022/23 with a damages payment, where the Primary Cause is '**Medication Error**'. 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 2 shows: - Number and Cost of Clinical Claims Closed between financial years 2020/21 and 2022/23 with **NIL** damages paid where the Primary Cause is '**Medication Error**'. The data includes the legal costs paid up until the end of each relevant financial year of closure.

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.

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/

Freedom of Information Request# 6452
Data correct as at: The end of every financial year

NHS Resolution

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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.

Freedom of Information Request# 6452
Data correct as at: The end of every financial year

Table 1: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2020/21 and 2022/23 with a damages payment, where the Primary Cause is 'Medication Errors'. 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
Claim_Outcome	Successful

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2020/21	172	9,131,473	1,184,425	5,684,784	16,000,682
2021/22	203	10,820,542	1,571,288	6,255,371	18,647,201
2022/23	247	14,825,457	1,606,358	7,076,265	23,508,080
Grand Total	**622**	**34,777,472**	**4,362,070**	**19,016,421**	**58,155,963**

Freedom of Information Request# 6452
Data correct as at: The end of every financial year

Table 2: Number and Cost of Clinical Claims Closed between financial years 2020/21 and 2022/23 with NIL damages paid where the Primary Cause is 'Medication Errors'. The data includes the legal costs paid up until the end of each relevant financial year of closure.

FOI View	Closed Settled
Claim_Outcome	Unsuccessful

Year of Closure	No. of Claims	NHS Legal Costs Paid	Claimant Legal Costs Paid
2020/21	134	284,643	0
2021/22	203	727,756	0
2022/23	217	408,918	0
Grand Total	**554**	**1,421,317**	**0**