



Resolution

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April 2024

FOI_6461

The following information was requested on 20 March 2024:

I would like to request the NHS version of the request FOI_6267 - [FOI 6267-non-NHS-hospitals-treatment-Independent-Providers.pdf \(resolution.nhs.uk\)](#)

- The Number and damages for Claims Closed in financial year 2022/23 for NHS patients treated in NHS hospitals.

I would also like to request the Analysis of Primary Injury for Claims Closed in financial year 2022/23 for NHS patients treated in NHS hospitals.

Our Response

Please find attached the requested information. 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 [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.

For an explanation of the CNST scheme please refer to our website here: [Clinical Negligence Scheme for Trusts - NHS Resolution](#)

Table 1: Number and Cost of **CNST** Claims Closed (or settled with a periodical payment order) in the financial year 2022/23 with a damages payment for NHS patients treated by the NHS. 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: Number and Cost of **CNST** Claims Closed (or settled with a periodical payment order) in the financial year 2022/23 with a damages payment for NHS patients treated by the NHS, broken down by Primary Injury. 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.

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.

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 several [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 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 CNST Claims Closed (or settled with a periodical payment order) in financial year 2022/23 with a damages payment for NHS patients treated by the NHS. 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: Number and Cost of CNST Claims Closed (or settled with a periodical payment order) in financial year 2022/23 with a damages payment for NHS patients treated by the NHS, broken down by Primary Injury. 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.

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FOI View	Closed Settled
Clinical	Clinical
Claim_Outcome	Successful
NHS	NHS

Year of Closure/Settlement for PPOs	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2022/23	6,499	1,438,349,016	113,324,201	427,139,730	1,978,812,947
Grand Total	6,499	1,438,349,016	113,324,201	427,139,730	1,978,812,947

Table 2: Number and Cost of CNST Claims Closed (or settled with a periodical payment order) in financial year 2022/23 with a damages payment for NHS patients treated by the NHS, broken down by Primary Injury. 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
Clinical	Clinical
Claim_Outcome	Successful
NHS	NHS

Year of Closure/Settlement for PPOs ----- Primary Injury	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2022/23	6,499	1,438,349,016	113,324,201	427,139,730	1,978,812,947
Unnecessary Pain	915	40,612,144	7,229,903	33,812,547	81,654,594
Fatality	717	65,297,956	9,982,260	40,813,808	116,094,025
Adtnl/unnecessary Operation(s)	700	52,522,883	7,950,467	34,892,958	95,366,308
Fracture	357	10,303,728	1,668,527	10,762,126	22,734,382
Pressure Sores	243	9,098,821	1,686,130	9,130,449	19,915,399
Cancer	232	29,704,771	5,376,207	15,569,453	50,650,430
Poor Outcome - Fractures Etc.	190	11,571,824	1,816,162	8,420,317	21,808,303
Psychiatric/Psychological Dmge	189	7,921,115	1,609,781	6,733,912	16,264,808
Advanced Stage Cancer	167	18,884,370	1,875,617	9,034,192	29,794,179
Nerve Damage	151	32,811,739	4,797,134	15,249,506	52,858,378
Bowel Damage/ Dysfunction	151	26,767,204	3,188,816	13,081,340	43,037,360
Brain Damage	148	268,476,259	12,552,062	37,708,531	318,736,853
Amputation - Lower	101	79,256,573	4,612,219	13,631,045	97,499,837
Other Visual Problems	94	20,155,832	1,791,594	6,276,790	28,224,217
Cardiac Arrest	88	9,749,656	1,103,026	5,216,167	16,068,849
Thrombosis/Embolism	88	5,502,211	893,257	4,022,586	10,418,055
Scarring	87	2,351,291	566,329	2,877,163	5,794,782
Stillborn	82	7,124,507	866,243	4,747,424	12,738,174
Cerebral Palsy	78	334,392,011	11,593,525	33,250,631	379,236,167
Bladder Damage	74	8,394,676	1,146,140	4,914,890	14,455,706
Spinal Damage	70	40,963,083	3,250,446	10,535,125	54,748,654
Stroke	69	36,095,980	2,815,278	9,233,905	48,145,162
Blindness	69	9,724,147	1,087,198	4,170,776	14,982,121
Other Infection	68	7,752,704	1,175,416	3,455,908	12,384,028
Infection (bacterial)	67	2,048,387	340,258	1,913,301	4,301,946
Other	66	5,583,416	672,412	3,540,342	9,796,170
Perforation	57	10,270,227	958,410	3,788,046	15,016,683
Burn(s)	52	1,459,443	249,474	1,519,635	3,228,552
Joint Damage	52	7,739,010	769,669	3,078,910	11,587,588
Tissue Damage	50	2,118,180	357,002	1,791,935	4,267,117
Tendon Damage	49	2,891,006	547,111	2,211,159	5,649,276
Sepsis	49	6,578,404	465,282	1,901,805	8,945,491
Renal Damage/ Failure	47	6,642,384	714,896	2,490,891	9,848,170
Multiple Injuries	47	6,093,483	905,402	3,268,760	10,267,645
Bruising/ Extravasation	45	1,653,866	234,366	1,459,411	3,347,643
Incontinence	36	14,403,217	924,607	3,984,877	19,312,701
Dental Damage	33	701,795	208,081	736,516	1,646,392
Cardiovascular Condition	28	6,076,490	511,278	1,944,975	8,532,743
Respiratory Disorder/ Failure	27	1,246,755	258,953	1,183,783	2,689,491
Removal Of Testicle	27	640,390	98,513	900,750	1,639,653
Rupture	26	676,581	100,634	876,540	1,653,755
Infertility	25	2,442,137	325,198	1,483,875	4,251,210
Loss Of Baby	24	1,804,514	382,165	1,155,628	3,342,307
Removal Of Fallopian Tube	23	458,333	100,673	705,804	1,264,810
Bile Duct Damage	23	3,836,909	294,438	1,460,150	5,591,497
Peritonitis	22	3,857,053	260,923	1,291,175	5,409,151
Dislocation	22	1,431,925	195,323	995,112	2,622,360
Reduced Life Expectancy	22	1,273,125	147,516	898,300	2,318,941
Paraplegia	20	17,939,949	1,249,891	4,041,822	23,231,662
Amputation - Upper	20	24,208,383	897,247	3,122,500	28,228,131
Erb's Palsy	18	14,570,727	1,017,213	3,314,600	18,902,540
Foot Drop	17	3,818,200	591,726	1,881,539	6,291,465
Cosmetic Disfigurement	17	2,744,418	279,996	1,013,063	4,037,476
Compartment Syndrome	16	1,510,054	386,949	1,147,579	3,044,582
Loss Of Kidney	16	713,147	234,502	870,894	1,818,543

Table 2: Number and Cost of CNST Claims Closed (or settled with a periodical payment order) in financial year 2022/23 with a damages payment for NHS patients treated by the NHS, broken down by Primary Injury. 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
Clinical	Clinical
Claim_Outcome	Successful
NHS	NHS

Year of Closure/Settlement for PPOs	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
----- Primary Injury					
Partial Paralysis	15	12,973,247	956,349	3,157,444	17,087,040
Limb Deformity	15	1,799,363	198,126	865,950	2,863,440
Wrongful Birth	15	59,298,594	1,520,772	6,568,090	67,387,456
Deafness	15	2,428,389	356,089	1,047,021	3,831,499
Anaphylact Shock/Allergic Shock/allergy	15	100,672	42,284	206,473	349,428
Malignant Tumour	14	691,830	106,109	625,044	1,422,984
Aneurysm	14	2,738,306	427,445	1,300,129	4,465,880
Hospital Acquired Infection	13	842,451	178,847	789,687	1,810,985
Fistula	12	2,356,454	219,554	1,013,538	3,589,546
Liver Damage	12	1,763,117	104,969	573,750	2,441,836
Arterial Damage	12	1,080,379	155,291	750,531	1,986,202
Loss Of Sexual Function	11	2,844,012	232,685	948,469	4,025,166
Partial Hearing Loss	9	613,626	170,798	763,622	1,548,046
Infectious Diseases	9	231,204	34,867	229,500	495,571
Hernia	9	331,687	188,837	428,993	949,516
Lung Disease	9	738,780	80,734	380,364	1,199,878
Developmental Delay	8	8,857,666	402,115	1,047,000	10,306,782
Meningitis	8	18,313,613	668,044	1,629,229	20,610,886
Cystic Growth	7	571,429	81,391	527,000	1,179,820
Anaesthetic	7	173,500	15,888	145,000	334,388
Multiple Disabilities	7	896,734	158,402	630,160	1,685,296
Unwanted Pregnancy	7	10,080,500	175,223	822,000	11,077,723
Oedema	6	117,910	43,765	189,716	351,390
Not Specified	6	278,665	149,765	455,075	883,505
Benign Tumour	6	178,419	36,983	187,804	403,206
Tetraplegia/ Quadraplegia	6	5,558,578	444,826	896,817	6,900,221
Hypoxia	6	250,200	34,748	247,750	532,698
Radiation Exposure	5	495,000	25,250	290,600	810,850
Hypoglycaemia	#	#	#	#	#
Thyroid Condition	#	#	#	#	#
Loss Of/Damage To Breast	#	#	#	#	#
Vocal Cord Damage	#	#	#	#	#
Scalp Damage	#	#	#	#	#
Hemiparesis	#	#	#	#	#
Epilepsy	#	#	#	#	#
Sexual Abuse	#	#	#	#	#
Anal Fissure	#	#	#	#	#
Osteoporosis	#	#	#	#	#
Tuberculosis	#	#	#	#	#
Premature Onset Of Menopause	#	#	#	#	#
Viral Infection	#	#	#	#	#
Bodily Harm/Murder	#	#	#	#	#
Removal Of Cervix	#	#	#	#	#
H.I.V.	#	#	#	#	#
Impotence	#	#	#	#	#
Labial Fusion	#	#	#	#	#
Chronic Fatigue Syndrome	#	#	#	#	#
Chromosomal Abnormality	#	#	#	#	#
Loss Of Lung	#	#	#	#	#
Downs Syndrome	#	#	#	#	#
Grand Total	6,499	1,438,349,016	113,324,201	427,139,730	1,978,812,947