



Resolution

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April 2024

FOI_6474

The following information was requested on 26 March 2024 and clarified on 2 April 2024:

[Requested on 26 March 2024]

I would like to submit an FOI request regarding the number of claims NHS Resolution has received regarding errors made during the medication process.

1) How many claims/reports of Patient Safety Incidents did NHS Resolution receive from 2020 to 2023 relating to errors made during the medication process? (prescribing, preparing, dispensing, and administering, monitoring or providing advice on medicines)

2) What were the most common medications implicated in claims relating to drug errors made to NHS Resolution from 2020 to 2023?

3) Of the claims logged with NHS Resolution between 2020 and 2023, what was the most common stage at which errors took place? (prescribing, preparing, dispensing, and administering, monitoring or providing advice on medicines)

4) Of these errors, how many were settled, determined 'without merit', or remain open?

5) What was the cost of the medication errors logged with NHS Resolution between 2020 and 2023?

[We sought clarification on 28 March 2024]

Thank you for your request.

I would like to clarify the following in respect of your request:

- 1. We are only able to report on claims as not all incidents are reported to NHSR*
- 2. We do not hold information about the type of medication that was used*
- 3. Regarding the stage, we don't hold this information, but you may want to consider the following cause codes against which claims are logged: Errors with agent/dose/route/selection, Incorrect Injection site, Infusion problems. These are separate codes to medication error.*

We have provided response to similar request: https://resolution.nhs.uk/wp-content/uploads/2024/01/FOI_6321_Medication-Errors.pdf

Please refer to our publication: [Guidance-note-Understanding-NHS-Resolution-data-updated](#) and a set of codes against which claims are logged: [CNST-Codes.xlsx \(live.com\)](#) (see the three tabs in the spreadsheet) for more information.

Would you be able to confirm the scope of the data you are interested in, please.

Your request will be put on hold until we receive the clarification requested above.

[You replied on 2 April 2024]

Thank you for your detailed reply.

I was using this report as a prompt for my FOI questions: <https://resolution.nhs.uk/wp-content/uploads/2022/03/Did-You-Know-High-Level-Medication-Errors.pdf>

– I'm essentially on the hunt for the most up to date information for medicines prescribed in primary care.

Please see revised questions 1-3:

1) How many claims of Patient Safety Incidents did NHS Resolution receive from 2020 to 2023 relating to errors made during the medication process? (prescribing, preparing, dispensing, and administering, monitoring or providing advice on medicines)

2) Please provide comparative data and breakdown by '**General practice**' and '**Pharmacy**' specialities for medication errors or any relevant "allegation type" codes as follows:

- **Errors with agent/dose/route/selection;**

- **Medication Errors.**

Between 2020 and 2023

3) Of these errors, how many were settled, determined 'without merit', or remain open?

4) What was the cost of the medication errors logged with NHS Resolution between 2020 and 2023?

I hope this clarifies what I am looking for.

Our Response

Please find attached the information we are able to provide.

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. Specifically in relation to CNSGP, this scheme covers incidents occurring from 1 April 2019 onwards. There is a recognised time lag between incidents occurring and them being reported as claims so the increase in numbers from 20/21 to 22/23 is as would be expected for a maturing scheme. For more detail on this please see the [NHS Resolution – Annual report and accounts 2022/23](#).

The information provided relates to our claims under our primary general practice indemnity scheme (CNSGP) only. Please see our website ([General Practice Indemnity scheme scope \(resolution.nhs.uk\)](#)) for details on what is covered under CNSGP and particularly circumstances where indemnity may be provided in relation to pharmacy.

Table 1 shows: - Number of **CNSGP** Claims and/or Incidents received between financial years 2020/21 and 2022/23, where the Primary Specialty is General Practice or Pharmacy, and the Primary Cause is Medication Errors or "Err With Agnt/Dose/Route/Selec".

Table 2 shows: - Number and cost of **CNSGP** Claims Closed between financial years 2020/21 and 2022/23 with a damages payment, where the Primary Specialty is General Practice or Pharmacy, and the Primary Cause is Medication Errors 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.

Table 3 shows: - Number and Cost of **CNSGP** Claims Closed between financial years 2020/21 and 2022/23 with **NIL** damages paid where the Primary Specialty is General Practice or Pharmacy, and the Primary Cause is Medication Errors or "Err With Agnt/Dose/Route/Selec". The data includes the legal costs paid up until the end of each relevant financial year of closure.

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.

We wish to draw your attention to the leaflet produced by our Safety and Learning Team, published here: [General Practice Medication Errors - NHS Resolution](#)
This General Practice medicine errors publication reflects analysis from a different claims sample, and we believe is relevant to your request. You may also be interested in: [Paediatric medication errors - NHS Resolution](#)

Please note that the analysis carried out by our Safety and Learning Team requires a deep dive of individual claims files and does not use the same extraction method used for our FOI replies. The analysis carried out by the Safety and Learning Team would likely exceed the FOI cost limit.

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 FOI cost limit.

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 CNSGP Claims and/or Incidents received between financial years 2020/21 and 2022/23, where the Primary Specialty is General Practice or Pharmacy, and the Primary Cause is Medication Errors or "Err With Agnt/Dose/Route/Selec".

Table 2: Number and cost of CNSGP Claims Closed between financial years 2020/21 and 2022/23 with a damages payment, where the Primary Specialty is General Practice or Pharmacy, and the Primary Cause is Medication Errors 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.

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Table 1: Number of CNSGP Claims and/or Incidents received between financial years 2020/21 and 2022/23, where the Primary Specialty is General Practice or Pharmacy, and the Primary Cause is Medication Errors or "Err With Agnt/Dose/Route/Selec".

FOI View scheme		Notified CNSGP	
No. of Claims Year of Notification		Primary Specialty	
		General Practice	Pharmacy
2020/21		78	#
2021/22		131	0
2022/23		179	#
Grand Total		388	#

Table 2: Number and cost of CNSGP Claims Closed between financial years 2020/21 and 2022/23 with a damages payment, where the Primary Specialty is General Practice or Pharmacy, and the Primary Cause is Medication Errors 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.

FOI View Closed Settled
scheme CNSGP

Year of Closure ---Primary Specialty	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2020/21					
General Practice	5	17,418	6,527	21,050	44,995
Pharmacy	#	#	#	#	#
2021/22					
General Practice	24	101,029	18,872	102,670	222,571
Pharmacy	#	#	#	#	#
2022/23					
General Practice	38	274,301	75,032	372,074	721,407
Pharmacy	#	#	#	#	#

Table 3: Number and Cost of CNSGP Claims Closed between financial years 2020/21 and 2022/23 with NIL damages paid where the Primary Specialty is General Practice or Pharmacy, and the Primary Cause is Medication Errors or "Err With Agnt/Dose/Route/Selec". The data includes the legal costs paid up until the end of each relevant financial year of closure.

FOI View scheme	Closed Settled CNSGP
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Year of Closure ---Primary Specialty	No. of Claims	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2020/21				
General Practice	46	#	0	#
2021/22				
General Practice	61	19,021	0	19,021
2022/23				
General Practice	94	63,563	0	63,563
Pharmacy	#	#	#	#