



Resolution

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June 2024

FOI_6562

The following information was requested on 28 May 2024:

1. *In the 22/23 financial year could you detail (i) how many claims for compensation you have paid out where the primary speciality has been recorded as HM Prison/Dental? (ii) the damages paid associated with these claims, (iii) the NHS costs paid, (iv) the claimant costs paid and (v) the total costs of damages and legal expenses.*

2. *For the combined last five financial years (2018/19)(2019/20)(2020/21)(2021/22) and (2022/23) could you please break down the total number of these claims recorded as having taken place at HM Prison/Dental by the primary injury recorded? For each type of primary injury please state (i) the number of claims, (ii) the damages paid, (iii) the NHS costs paid (iv) the claimant costs paid and (v) the total costs of damages and legal expenses.*

NOTE: This question relates to the damages and costs in the year the claim was settled NOT when the incident took place or when the claim was lodged.

Our Response

Thank you for your request for information. Please note we do **not** cover primary dental care.

NB: 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>.

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.

The data shows variation in numbers of cases closed per year and costs attributed to those claims. The individual nature of claims received by NHS Resolution means they can vary significantly in value and any such fluctuations cannot be interpreted as trends.

Table 1 shows: - Number and Cost of Claims closed between financial years 2018/19 and 2022/23 with a damages payment, where the Specialty is '**HM Prison Medical/Dental**'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

Table 2 shows: - Number and Cost of Claims closed between financial years 2018/19 and 2022/23 with a damages payment, where the Specialty is '**HM Prison Medical/Dental**'. 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.

Low Numbers

We have suppressed low figures 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. Where we are in the territory of such small numbers in the attached, we have used a '#' symbol in the relevant field. You should still be able to see aggregate/total details for higher level fields containing this data.

If you would like to know how data is categorised in our Claims database please see the following link: [Glossary](#)

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 and Cost/Damages of Claims Closed between financial years 2018/19 and 2022/23 with a damages payment, where the Specialty is 'HM Prison Medical/Dental'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

Table 2: Number and Cost/Damages of Claims Closed between financial years 2018/19 and 2022/23 with a damages payment, where the Specialty is 'HM Prison Medical/Dental'. 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.

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FOI View	Closed Settled
Claim_Outcome	Successful

Year of Closure	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2018/19	45	576,477	159,230	422,767	1,158,474
2019/20	44	722,115	248,656	809,873	1,780,644
2020/21	42	1,219,866	290,831	1,283,416	2,794,113
2021/22	36	2,895,885	575,576	1,715,224	5,186,685
2022/23	36	1,298,710	535,506	1,731,851	3,566,066
Grand Total	203	6,713,053	1,809,798	5,963,131	14,485,982

Table 2: Number and Cost/Damages of Claims Closed between financial years 2018/19 and 2022/23 with a damages payment, where the Specialty is 'HM Prison Medical/Dental'. 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.

FOI View	Closed Settled
Claim_Outcome	Successful

Year of Closure ----- Primary Injuries	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Unnecessary Pain	98	1,813,991	618,652	2,052,721	4,485,363
Fatality	36	953,204	420,131	1,945,297	3,318,631
Poor Outcome - Fractures Etc.	11	53,889	31,812	104,656	190,357
Psychiatric/Psychological Dmge	8	20,150	35,869	60,690	116,709
Adtnl/unnecessary Operation(s)	6	92,038	41,856	125,945	259,839
Fracture	5	61,666	12,014	57,500	131,180
Cardiovascular Condition	#	#	#	#	#
Other Visual Problems	#	#	#	#	#
Other	#	#	#	#	#
Amputation - Lower	#	#	#	#	#
Other Infection	#	#	#	#	#
Dental Damage	#	#	#	#	#
Stroke	#	#	#	#	#
Blindness	#	#	#	#	#
Epilepsy	#	#	#	#	#
Bruising/ Extravasation	#	#	#	#	#
Cardiac Arrest	#	#	#	#	#
Loss Of Kidney	#	#	#	#	#
Brain Damage	#	#	#	#	#
Bowel Damage/ Dysfunction	#	#	#	#	#
Nerve Damage	#	#	#	#	#
Fistula	#	#	#	#	#
Tissue Damage	#	#	#	#	#
Pressure Sores	#	#	#	#	#
Rupture	#	#	#	#	#
Tuberculosis	#	#	#	#	#
Grand Total	203	6,713,053	1,809,798	5,963,131	14,485,982