



Resolution

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July 2024
FOI_6592

The following information was requested on 6 June and clarified on 10 June 2024:

[On 6 June 2024 you requested]:

Pursuant to the UK's Public Records Act, I hereby request the following:

1. All records relating to any and all claims of physical, sexual, or psychological abuse of minors and/or patients suffering from blood disorders and cancers made against hospital staff, past or present, in Evelina London Children's Hospital from January 1, 2019 to the day this request is fulfilled.

2. All records of any behavioural patterns or negligence by hospital staff, past or present, regarding the care given to minors and/or patients suffering from blood disorders and cancers in Evelina London Children's Hospital from January 1, 2019 to the day this request is fulfilled.

Please be advised the term 'patients' refers only to children below 18 years of age and that this records request includes claims of assault, harassment, and/or molestation.

3. All records regarding any incidents, health hazards, deterioration in health, or in extreme cases, fatalities suffered by minors and/or patients suffering from blood disorders and cancers as a direct consequence, arising from, or relating to the events described in records marked (1) and (2) above.

Where it is not possible to disclose these incidents, I ask that you confirm if such incidents did indeed occur, and the number of cases recorded.

4. All separation agreements and settlements reached with hospital staff, past or present, relating to claims of physically and/or sexually abusing, assaulting, harassing, or molesting patients suffering from blood disorders and cancers from January 1, 2019 to the day this request is fulfilled.

5. All separation agreements and settlements reached with hospital staff, past or present, on failing in their duty of care or negligence of duties to minors and/or patients suffering from blood disorders and cancers from January 1, 2019 to the day this request is fulfilled.

Such public records should include, but not be limited to, all complaints; allegations; claims; investigatory reports; analyses; summaries; memoranda and/or notes; interview recordings;

transcripts and/or notes; reviews; emails, text or other electronic messages, voicemails, and/or other communications and/or correspondence; determinations; decisions; orders; resignation letters; employment reclassification documents; offers in compromise and/or settlement agreements; termination and/or transfer papers; letters of reproof and/or other disciplinary actions, whether imposed or not; referrals to law enforcement, administrative, and/or licensing agencies, departments, and/or bodies; appeals; court filings and/or rulings; and all similar materials notwithstanding the use of other terminology, nomenclature, or categorization by this or other involved public agencies.

[On 7 June 2024 we replied with]:

Thank you for your request to NHS Resolution.

I would like to clarify that we only hold information related to **claims**. This information is recorded against NHS Trust, not individual hospitals, so we would only be able to provide data for Guy's and St Thomas' NHS Foundation Trust. We hold information in financial years.

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).

All the remaining information (points 2 – 5) will be held by the trust.

Please find out more on the Trust's website: [Freedom of information - Overview | Guy's and St Thomas' NHS Foundation Trust \(guysandstthomas.nhs.uk\)](#).

I would like to also clarify the role of NHS Resolution.

NHS Resolution was established to provide the following service:

- *Claims Management* – providing indemnity schemes for the NHS in England and resolving claims for compensation fairly.
- *Practitioner Performance Advice* – assisting healthcare organisations with resolving concerns about the performance of individual practitioners.
- *Primary Care Appeals* – ensuring the prompt and fair resolution of appeals and disputes between primary care contractors and NHS England.
- *Safety and Learning* – supports our Claims Management service members to better understand their claims risk profiles to target their safety activity while sharing learning across the system.

Please find more information about NHS Resolution:
[About - NHS Resolution](#)

[On 7 June 2024 you replied with]:

Please treat the FOI request in relation to claims made against staff in hospitals held by the Guy's and St Thomas' NHS Foundation Trust.

In lieu of your explanation, I would expect the period of interest to begin from April 1, 2019 to March 31, 2024. Where necessary, I expect sensitive information to be redacted by NHS Resolution and responsive records delivered.

[On 10 June 2024 we replied with]:

Thank you for the below clarification and apologies, but I will also have to clarify further, following a feedback from my team.

In relation to point 1 of your request, We would only be able to provide data on numbers of claims (and incidents reported to us) and related costs/damages etc, not all records as requested. There is no specialty code for blood disorders.

What we could offer you is data in relation to specialties Oncology and Haematology, broken down by cause and injury, and age.

The data for FY 2023/24 will be available on request from August.

We look forward to hearing from you.

[On 10 June 2024 you replied with]:

Thank you for your clarification.

May I have the record please? At the conclusion of a review, I will get back to you for further information if necessary.

Thank you for your assistance.

Our Response

Thank you for your request for information. As noted in our e-mail of 7 June 2024 we record claims against NHS Trusts rather than hospitals or clinics. We are able to provide the claims data in respect of **Guy's and St Thomas' NHS Foundation Trust**. We would also like to reiterate we do not hold the details of all incidents recorded for the Trust. We only hold the details of claims (and some incidents) notified to us. You may wish to approach the Trust directly for further information.

We are unable to provide the information in relation to blood disorders. Although NHS Resolution may hold some information relating to claims such as these, due to the way claims are recorded on our claims database, we will not be able to identify such specific cases. It might be helpful to explain that when claims are notified to NHS Resolution they are categorised against pre-defined cause, injury and speciality [codes](#). We do not have a code specifically for: *blood disorder*. Therefore, while there may be information held in our records, we are not readily able to identify the relevant files by searching the

database. To do so would involve a manual review of all cases to identify which ones relate to a *blood disorder*. NHS Resolution receives thousands of claims each year.

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'. Please find attached the information we are readily able to provide.

Please note that the attached tables are based on the following criteria:

Claims for Guy's and St Thomas' NHS Foundation Trust where the Speciality is '**Oncology**' or '**Haematology**'.

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.

Please note that there were fewer than 5 claims relating to children. **Therefore, the attached tables include adults and children.** Please refer to our Low numbers refusal below for an explanation for why we cannot provide the low numbers involved.

Table 1 shows: - Number of Clinical Claims and Incidents received between financial years '2018/19' and '2022/23' where the Speciality is 'Oncology' or 'Haematology' and the Trust is '**Guy's and St Thomas' NHS Foundation Trust**'.

Table 2 shows: - Number and Cost of Clinical Claims Closed between financial years '2018/19' and '2022/23' with a damages payment, where the Speciality is 'Oncology' or 'Haematology' and the Trust is '**Guy's and St Thomas' NHS Foundation Trust**'. The

data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

Table 3 shows: - Analysis of Primary Causes for Clinical Claims Closed between financial years '2018/19' and '2022/23' where Specialty is 'Oncology' or 'Haematology' and the Trust is '**Guy's and St Thomas' NHS Foundation Trust**'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

Table 4 shows: - Analysis of Primary Injuries for Clinical Claims Closed between financial years '2018/19' and '2022/23' where Specialty is 'Oncology' or 'Haematology' and the Trust is '**Guy's and St Thomas' NHS Foundation Trust**'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

Table 5 shows: - Number of Clinical Claims Closed between financial years '2019/20' and '2022/23' with **NIL** damages paid where the Speciality is 'Oncology' or 'Haematology' and the Trust is '**Guy's and St Thomas' NHS Foundation Trust**'.

Please note where a financial year does not appear this means there was no claims closed during that financial year meeting the above criteria.

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.

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.

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/>

TABLE OF CONTENTS

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 '2018/19' and '2022/23' where the Speciality is 'Oncology' or 'Haematology' and the Trust is 'Guy's and St Thomas' NHS Foundation Trust'.

Table 2: Number and Cost of Clinical Claims Closed between financial years '2018/19' and '2022/23' with a damages payment, where the Speciality is 'Oncology' or 'Haematology' and the Trust is 'Guy's and St Thomas' NHS Foundation Trust'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

Table 3: Analysis of Primary Causes for Clinical Claims Closed between financial years '2018/19' and '2022/23' where Specialty is 'Oncology' or 'Haematology' and the Trust is 'Guy's and St Thomas' NHS Foundation Trust'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

Table 4: Analysis of Primary Injuries for Clinical Claims Closed between financial years '2018/19' and '2022/23' where Specialty is 'Oncology' or 'Haematology' and the Trust is 'Guy's and St Thomas' NHS Foundation Trust'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

Table 5: Number of Clinical Claims Closed between financial years '2019/20' and '2022/23' with NIL damages paid where the Speciality is 'Oncology' or 'Haematology' and the Trust is 'Guy's and St Thomas' NHS Foundation Trust'.

Table 1: Number of Clinical Claims and Incidents received between financial years '2018/19' and '2022/23' where the Speciality is 'Oncology' or 'Haematology' and the Trust is 'Guy's and St Thomas' NHS Foundation Trust'.

FOI View	Notified
Year of Notification	No. of Claims
2018/19	#
2019/20	9
2020/21	#
2021/22	6
2022/23	5
Grand Total	26

Table 2: Number and Cost of Clinical Claims Closed between financial years '2018/19' and '2022/23' with a damages payment, where the Speciality is 'Oncology' or 'Haematology' and the Trust is 'Guy's and St Thomas' NHS Foundation Trust'. 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 (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2018/19	#	#	#	#	#
2019/20	#	#	#	#	#
2020/21	5	931,000	285,481	819,231	2,035,713
2021/22	#	#	#	#	#
2022/23	5	610,134	31,824	257,200	899,158
Grand Total	19	2,257,764	430,284	1,665,095	4,353,143

Table 3: Analysis of Primary Causes for Clinical Claims Closed between financial years '2018/19' and '2022/23' where Specialty is 'Oncology' or 'Haematology' and the Trust is 'Guy's and St Thomas' NHS Foundation Trust'. 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

Primary Cause	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Diathermy Burns/react. To Prep	#	#	#	#	#
Fail / Delay Treatment	#	#	#	#	#
Fail To Follow-Up Arrangements	#	#	#	#	#
Inadequate Nursing Care	#	#	#	#	#
Inapprop. Case Selection	#	#	#	#	#
Inappropriate Treatment	#	#	#	#	#
Infusion Problems	#	#	#	#	#
Intra-Op Problems	#	#	#	#	#
Medication Errors	#	#	#	#	#
Operator Error	#	#	#	#	#
Re-Canalisation	#	#	#	#	#
Wrong Diagnosis	#	#	#	#	#
Grand Total	19	2,257,764	430,284	1,665,095	4,353,143

Table 4: Analysis of Primary Injuries for Clinical Claims Closed between financial years '2018/19' and '2022/23' where Specialty is 'Oncology' or 'Haematology' and the Trust is 'Guy's and St Thomas' NHS Foundation Trust'. 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

Primary Injury	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Adtnl/unnecessary Operation(s)	#	#	#	#	#
Brain Damage	#	#	#	#	#
Bruising/ Extravasation	#	#	#	#	#
Cancer	#	#	#	#	#
Nerve Damage	#	#	#	#	#
Other	#	#	#	#	#
Perforation	#	#	#	#	#
Pressure Sores	#	#	#	#	#
Psychiatric/Psychological Dmge	#	#	#	#	#
Radiation Exposure	#	#	#	#	#
Scarring	#	#	#	#	#
Tissue Damage	#	#	#	#	#
Unnecessary Pain	#	#	#	#	#
Grand Total	19	2,257,764	430,284	1,665,095	4,353,143

Table 5: Number of Clinical Claims Closed between financial years '2019/20' and '2022/23' with NIL damages paid where the Speciality is 'Oncology' or 'Haematology' and the Trust is 'Guy's and St Thomas' NHS Foundation Trust'.

FOI View	Closed Settled
Claim_Outcome	Unsuccessful

Year of Closure	No. of Claims
2018/19	#
2020/21	#
2021/22	#
Grand Total	7