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September 2024
FOI_6713

The following information was requested on 26 August 2024:

1. Please provide me with a table showing how many successful claims were lodged against each individual NHS hospital trust for the total of the last ten financial years (2014/15 to 2023/24 inclusive) where one of the injury codes was a ***hospital acquired infection****. Only include trusts where there were ten successful claims or more.*

2. For the ten hospital trusts with the most claims please state what the total amount of damages was that were awarded to the patients for those ten years from each of those trusts.

3. Please could you provide me with a breakdown of payments made under the CNST scheme where injury 1, 2 or 3 is for Hospital Acquired Infection (HAI) for (a) 2021/22, (b) 2022/23 and (c) 2023/24. This should include the number of successful claims, the damages paid and the costs for both defendant and claimant.

Our Response

Please find attached the requested information. This information only covers England and not the rest of the UK.

In response to Q1 and Q2 – there were **no** Trusts with 10 or more claims closed between the financial years 2014/15 – 2023/24 with a damages payment where any Injury is 'Hospital Acquired Infection. Therefore, we have provided you with the top 10 Trusts by number of claims (see table 1). As a number of Trusts had the same number of claims the table includes 19 Trusts.

As a result, this FOI response cannot be compared to the previous similar requests: FOI_5542_Hospital-Acquired-Infection.pdf (resolution.nhs.uk) & FOI_5149_Hospital-Acquired-Infection.pdf (resolution.nhs.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 https://resolution.nhs.uk/resources/understanding-nhs-resolution-data.

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.

Please note the tables should not be interpreted as a league table. Larger member organisations and those which provide more complex treatments may receive more claims than smaller organisations or those providing low risk care. Inevitably, different institutions face different levels of risk because of the variations in the nature and complexity of the procedures they perform. In some circumstances, volumes of reported cases may be impacted by multiple claims notified in relation to one cause of action. The value of claims will depend on individual circumstances and the data may be impacted significantly by small numbers of high value claims.

Table 1 shows: - Number and Damages Paid for CNST Claims Closed between financial years 2014/15 and 2023/24 with a damages payment, where any Injury is **'Hospital Acquired Infection'** for the top 10 Trusts by number of claims. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

Tables 2 shows: - Number and Cost of CNST Claims Closed between financial years 2021/22 and 2023/24 with a damages payment, where any injury is **'Hospital Acquired Infection'**. The data includes the damages and 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.

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# 6713
Data correct as at: The end of every financial year

T A B L E O F C O N T E N T S

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.

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Table 1: Number and Damages Paid for CNST Claims Closed between financial years 2014/15 and 2023/24 with a damages payment, where any Injury is 'Hospital Acquired Infection' for the top 10 Trusts by number of claims. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

ClosedSettled	Y
scheme	CNST
Claim_Outcome	Damages Paid

Trust Name	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
The Leeds Teaching Hospitals NHS Trust	8	169,000	24,338	206,796	400,134
University Hospitals Birmingham NHS Foundation Trust	7	354,668	61,066	338,400	754,134
Sheffield Teaching Hospitals NHS Foundation Trust	6	666,896	164,611	436,815	1,268,322
King's College Hospital NHS Foundation Trust	5	113,690	30,979	172,000	316,669
Wirral University Teaching Hospital NHS Foundation Trust	5	21,350	7,689	62,500	91,539
United Lincolnshire Hospitals NHS Trust	5	1,648,305	127,305	411,302	2,186,913
Northern Care Alliance NHS Foundation Trust	5	112,038	21,013	64,776	197,827
Bolton NHS Foundation Trust	#	#	#	#	#
Liverpool University Hospitals NHS Foundation Trust	#	#	#	#	#
University Hospitals of North Midlands NHS Trust	#	#	#	#	#
North West Anglia NHS Foundation Trust	#	#	#	#	#
Imperial College Healthcare NHS Trust	#	#	#	#	#
Barts Health NHS Trust	#	#	#	#	#
University Hospitals Bristol & Weston NHS Foundation Trust	#	#	#	#	#
Northern Lincolnshire & Goole Hospitals NHS Foundation Trust	#	#	#	#	#
University Hospitals Sussex NHS Foundation Trust	#	#	#	#	#
East and North Hertfordshire NHS Trust	#	#	#	#	#
Mersey and West Lancashire Hospitals NHS Trust	#	#	#	#	#
Guy's and St Thomas' NHS Foundation Trust	#	#	#	#	#
Grand Total	**89**	**9,150,415**	**1,348,489**	**5,042,098**	**15,541,002**

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NHS Resolution

Tables 2: Number and Cost of CNST Claims Closed between financial years 2021/22 and 2023/24 with a damages payment, where any injury is 'Hospital Acquired Infection'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

ClosedSettled	Y
scheme	CNST
Claim_Outcome	Damages Paid

Closure/ Settlement Year for PPOs	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2021/22	25	1,667,772	251,983	1,189,362	3,109,117
2022/23	21	1,066,270	231,637	1,037,787	2,335,693
2023/24	20	1,492,769	269,512	1,098,550	2,860,831
Grand Total	**66**	**4,226,811**	**753,131**	**3,325,699**	**8,305,641**