NHS Resolution

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October 2024
FOI_6749

The following information was requested on 16 September 2024:

*1. In relation to the 23/24 financial year please state how many claims were paid out in that year and what was the total value of those claims paid out in that year where either the first or second recorded `cause' logged for the claim was `**inadequate nursing care'**? Please could the data be provided in a similar format and on the same basis as a previous FoI response [Ref: FoI_5181].*

[The most recent previous FOI request is: FOI_6208_Inadequate-Nursing-Care.pdf (resolution.nhs.uk)

Note: I require the data relating to the number of payouts and the value of the payouts made in the year, regardless of when the claim was actually lodged.

2. In relation to the claims paid out under Question 1 please provide me with a breakdown of the numbers that were logged under each type of injury claim?

3. In relation to the claims paid out in Question 1 which 5 Trusts had the highest value of claim payments made against them. Please name the Trust, the total value of these paid claims that were paid out the year and the number paid out by the Trust in that year.

Our Response

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

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.

Table 1 shows: - Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) in the financial year 2023/24 with a damages payment, where the Primary Cause or Secondary Cause is '**Inadequate Nursing Care'**. 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 shows: - Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) in the financial year 2023/24 with a damages payment, where the Primary Cause or Secondary Cause is '**Inadequate Nursing Care'.** Broken down by Primary Injury. The data includes the damages paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

Tables 3 shows: - Top 5 Trusts (by damages paid) for Clinical Claims Closed in the financial year 2023/24 with a damages payment, where the Primary or Secondary Cause is '**Inadequate Nursing Care', The** data includes the damages paid up until the end of each relevant financial year of closure.

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 Numbers

Please note we have supressed 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 Freedom of Information Act 2000, 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/

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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.

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Table 1: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) in the financial year 2023/24 with a damages payment, where the Primary Cause or Secondary Cause is 'Inadequate Nursing Care'. 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.

ClosedSettled	Y
Claim_Outcome	Damages Paid

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2023/24	537	27,783,468	3,741,096	18,314,627	49,839,192
Grand Total	**537**	**27,783,468**	**3,741,096**	**18,314,627**	**49,839,192**

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Table 2: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) in the financial year 2023/24 with a damages payment, where the Primary Cause or Secondary Cause is 'Inadequate Nursing Care'. Broken down by Primary Injury. The data includes the damages paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

ClosedSettled	Y
Claim_Outcome	Damages Paid

Primary Injuries	No. of Claims	Damages Paid
Pressure Sores	179	4,573,726
Fracture	116	6,189,032
Fatality	62	1,719,285
Unnecessary Pain	32	518,007
Bruising/ Extravasation	21	380,326
Brain Damage	17	8,458,758
Adtnl/unnecessary Operation(s)	17	540,395
Infection (bacterial)	9	61,087
Psychiatric/Psychological Dmge	6	45,000
Amputation - Lower	6	243,499
Sepsis	5	101,596
Tissue Damage	5	60,700
Burn(s)	#	#
Scarring	#	#
Multiple Injuries	#	#
Other Infection	#	#
Bladder Damage	#	#
Stillborn	#	#
Cardiac Arrest	#	#
Other	#	#
Nerve Damage	#	#
Respiratory Disorder/ Failure	#	#
Compartment Syndrome	#	#
Bowel Damage/ Dysfunction	#	#
Poor Outcome - Fractures Etc.	#	#
Spinal Damage	#	#
Hypoxia	#	#
Thrombosis/Embolism	#	#
Other Visual Problems	#	#
Cerebral Palsy	#	#
Malnutrition	#	#
Anaphylact Shock/Allergic Shock/allergy	#	#
Limb Deformity	#	#
Dislocation	#	#
Blindness	#	#
Amputation - Upper	#	#
Dental Damage	#	#
Foot Drop	#	#
Cancer	#	#
Stroke	#	#
Reduced Life Expectancy	#	#
Hospital Acquired Infection	#	#
Incontinence	#	#
Developmental Delay	#	#
Grand Total	**537**	**27,783,468**

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Table 3: Top 5 Trusts (by damages paid) for Clinical Claims Closed in the financial year 2023/24 with a damages payment, where the Primary Cause or Secondary Cause is 'Inadequate Nursing Care'. The data includes the damages paid up until the end of each relevant financial year of closure.

ClosedSettled	Y
Claim_Outcome	Damages Paid
Trust_YN	Y

Member Name	No. of Claims	Damages Paid
East and North Hertfordshire NHS Trust	#	#
Barking, Havering and Redbridge University Hospitals NHS Trust	#	#
Guy's and St Thomas' NHS Foundation Trust	5	1,353,519
Birmingham Women's and Children's NHS Foundation Trust	#	#
Hull University Teaching Hospitals NHS Trust	14	445,500
Grand Total	**27**	**9,869,069**