



## Resolution

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October 2024

FOI\_6761

The following information was requested and clarified on 23 September 2024:

*[You requested the following on 23 September 2024]:*

- 1) The number of litigation claims made against NHS England due to Inadequate Nursing Care, Infusion Problems and Intubation Problems over the last 5 complete years*
- 2) The cost of litigation claims, including legal costs and compensation, due to Inadequate Nursing Care, Infusion Problems and Intubation Problems over the last 5 complete years.*
- 3) The top ten hospitals for the number and cost of claims due to Inadequate Nursing Care, Infusion Problems and Intubation Problems over the last 5 complete years.*

*[We replied on 23 September 2024 with]:*

*Thank you for your request for information.*

*Please can you clarify do you mean claims against the NHS in England or did you specifically want NHS England claims. NHS England is a separate organisation within the NHS and its claims (claims for the organisation NHS England) will not cover the whole of the NHS in England.*

*We do not record our claims against hospitals but rather by Trusts.*

*We are able to provide you with the top 10 Trusts in England with the most number of these types of claims. Would you be interested in this information?*

*We look forward to hearing from you.*

*[You replied on 23 September 2024 with]:*

*Thank you for your email.*

*To clarify, I would like information about claims made against NHS trusts.*

*Please could you provide details of claims made against trusts for cost, number, and ranking.*

*Thank you so much*

*[We replied on 23 September 2024 with]:*

*Thank you for your reply.*

*We do **not** have rankings as 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.*

*We can organise it by number of claims.*

*We will process your request.*

## **Our Response**

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

**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>.

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.

The data shows variation in numbers of cases received, closed per year and costs attributed to those claims. This is a reflection of the nature of individual claims received and resolved by NHS Resolution, which can vary significantly. As such, these fluctuations cannot be interpreted as trends.

We have provided data on clinical cases only.

**Table 1 shows:** - Number of Clinical Claims and Incidents received between financial years '2019/20' and '2023/24' where the Primary Cause is '**Inadequate Nursing**', '**Infusion Problems**', or '**Intubation Problems**'.

**Table 2 shows:** - Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years '2019/20' and '2023/24' with a damages payment, where the Primary Cause is '**Inadequate Nursing**', '**Infusion Problems**', or '**Intubation Problems**'. 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 3 shows:** - Number and Cost of Clinical Claims Closed between financial years '2019/20' and '2023/24' with **NIL** damages paid where the Primary Cause is '**Inadequate Nursing**', '**Infusion Problems**', or '**Intubation Problems**'.

**Table 4 shows:** - Number and Costs for Clinical Claims Closed between financial years 2019/20 and 2023/24 with a damages payment, where the Primary Cause is '**Inadequate Nursing**', '**Infusion Problems**', or '**Intubation Problems**' 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.

**Please note: this table 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.**

## **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 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.

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 of Clinical Claims and Incidents received between financial years '2019/20' and '2023/24' where the Primary Cause is 'Inadequate Nursing', 'Infusion Problems', or 'Intubation Problems'.

Table 2: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years '2019/20' and '2023/24' with a damages payment, where the Primary Cause is 'Inadequate Nursing', 'Infusion Problems', or 'Intubation Problems'. 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 3: Number and Cost of Clinical Claims Closed between financial years '2019/20' and '2023/24' with NIL damages paid where the Primary Cause is 'Inadequate Nursing', 'Infusion Problems', or 'Intubation Problems'.

Table 4: Number and Costs for Clinical Claims Closed between financial years 2019/20 and 2023/24 with a damages payment, where the Primary Cause is 'Inadequate Nursing', 'Infusion Problems', or 'Intubation Problems' 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.

**Table 1: Number of Clinical Claims and Incidents received between financial years '2019/20' and '2023/24' where the Primary Cause is 'Inadequate Nursing', 'Infusion Problems', or 'Intubation Problems'.**

|                      |          |
|----------------------|----------|
| Notified             | Y        |
| Clinical_NonClinical | Clinical |

  

| Year of Notification    | No. of Claims |
|-------------------------|---------------|
| <b>2019/20</b>          |               |
| Inadequate Nursing Care | 626           |
| Infusion Problems       | 31            |
| Intubation Problems     | 13            |
| <b>2020/21</b>          |               |
| Inadequate Nursing Care | 515           |
| Infusion Problems       | 23            |
| Intubation Problems     | 14            |
| <b>2021/22</b>          |               |
| Inadequate Nursing Care | 518           |
| Infusion Problems       | 34            |
| Intubation Problems     | 19            |
| <b>2022/23</b>          |               |
| Inadequate Nursing Care | 574           |
| Infusion Problems       | 27            |
| Intubation Problems     | 13            |
| <b>2023/24</b>          |               |
| Inadequate Nursing Care | 622           |
| Infusion Problems       | 25            |
| Intubation Problems     | 12            |
| <b>Grand Total</b>      | <b>3,066</b>  |

**Table 2: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years '2019/20' and '2023/24' with a damages payment, where the Primary Cause is 'Inadequate Nursing', 'Infusion Problems', or 'Intubation Problems'. 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)<br>--- Cause | No. of Claims | Damages Paid       | NHS Legal<br>Costs Paid | Claimant Legal<br>Costs Paid | Total Paid         |
|---------------------------------------------------------|---------------|--------------------|-------------------------|------------------------------|--------------------|
| <b>2019/20</b>                                          |               |                    |                         |                              |                    |
| Inadequate Nursing Care                                 | 518           | 15,694,238         | 3,055,821               | 13,382,070                   | 32,132,130         |
| Infusion Problems                                       | 19            | 2,196,843          | 313,293                 | 1,140,969                    | 3,651,105          |
| Intubation Problems                                     | 6             | 3,031,500          | 136,735                 | 205,315                      | 3,373,550          |
| <b>2020/21</b>                                          |               |                    |                         |                              |                    |
| Inadequate Nursing Care                                 | 446           | 24,561,437         | 3,252,671               | 13,534,704                   | 41,348,811         |
| Infusion Problems                                       | 29            | 1,567,000          | 202,198                 | 907,860                      | 2,677,057          |
| Intubation Problems                                     | 6             | 122,353            | 60,180                  | 241,821                      | 424,354            |
| <b>2021/22</b>                                          |               |                    |                         |                              |                    |
| Inadequate Nursing Care                                 | 457           | 19,365,606         | 3,384,874               | 14,579,256                   | 37,329,737         |
| Infusion Problems                                       | 25            | 1,391,361          | 180,180                 | 768,466                      | 2,340,007          |
| Intubation Problems                                     | 6             | 303,500            | 74,160                  | 350,876                      | 728,536            |
| <b>2022/23</b>                                          |               |                    |                         |                              |                    |
| Inadequate Nursing Care                                 | 410           | 20,823,848         | 2,644,525               | 14,486,833                   | 37,955,205         |
| Infusion Problems                                       | 15            | 190,730            | 53,154                  | 376,100                      | 619,984            |
| Intubation Problems                                     | 9             | 12,734,499         | 449,748                 | 1,466,231                    | 14,650,479         |
| <b>2023/24</b>                                          |               |                    |                         |                              |                    |
| Inadequate Nursing Care                                 | 392           | 22,249,314         | 2,870,550               | 13,833,106                   | 38,952,970         |
| Infusion Problems                                       | 24            | 441,433            | 67,468                  | 573,795                      | 1,082,695          |
| Intubation Problems                                     | 8             | 2,888,300          | 112,941                 | 602,062                      | 3,603,302          |
| <b>Grand Total</b>                                      | <b>2,370</b>  | <b>127,561,961</b> | <b>16,858,498</b>       | <b>76,449,463</b>            | <b>220,869,922</b> |

**Table 3: Number and Cost of Clinical Claims Closed between financial years '2019/20' and '2023/24' with NIL damages paid where the Primary Cause is 'Inadequate Nursing', 'Infusion Problems', or 'Intubation Problems'.**

|                      |             |
|----------------------|-------------|
| ClosedSettled        | Y           |
| Claim_Outcome        | Nil Damages |
| Clinical_NonClinical | Clinical    |

| Year of Closure--- Cause | No. of Claims | NHS Legal Costs Paid | Claimant Legal Costs Paid |
|--------------------------|---------------|----------------------|---------------------------|
| <b>2019/20</b>           |               |                      |                           |
| Inadequate Nursing Care  | 187           | 515,377              | 10,687                    |
| Infusion Problems        | 9             | 26,567               | 0                         |
| Intubation Problems      | 6             | 13,911               | 0                         |
| <b>2020/21</b>           |               |                      |                           |
| Inadequate Nursing Care  | 182           | 881,266              | 54,723                    |
| Infusion Problems        | 12            | 53,798               | 0                         |
| Intubation Problems      | 12            | 56,491               | #                         |
| <b>2021/22</b>           |               |                      |                           |
| Inadequate Nursing Care  | 190           | 574,930              | 16,000                    |
| Infusion Problems        | 6             | 8,615                | 0                         |
| Intubation Problems      | 7             | 13,237               | 0                         |
| <b>2022/23</b>           |               |                      |                           |
| Inadequate Nursing Care  | 163           | 443,287              | 0                         |
| Infusion Problems        | 11            | 31,316               | 0                         |
| Intubation Problems      | 10            | 22,259               | 0                         |
| <b>2023/24</b>           |               |                      |                           |
| Inadequate Nursing Care  | 202           | 768,502              | #                         |
| Infusion Problems        | 6             | 12,339               | 0                         |
| Intubation Problems      | 7             | 30,483               | 0                         |

Table 4: Number and Costs for Clinical Claims Closed between financial years 2019/20 and 2023/24 with a damages payment, where the Primary Cause is 'Inadequate Nursing', 'Infusion Problems', or 'Intubation Problems' 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            |
| Claim_Outcome | Damages Paid |

| Trust<br>--- Cause                                                      | No. of Claims | Damages Paid | NHS Legal<br>Costs Paid | Claimant Legal<br>Costs Paid | Total Paid |
|-------------------------------------------------------------------------|---------------|--------------|-------------------------|------------------------------|------------|
| <b>Mid and South Essex NHS Foundation Trust</b>                         |               |              |                         |                              |            |
| Inadequate Nursing Care                                                 | 53            | 1,582,559    | 561,074                 | 1,803,812                    | 3,947,445  |
| Infusion Problems                                                       | #             | #            | #                       | #                            | #          |
| Intubation Problems                                                     | #             | #            | #                       | #                            | #          |
| <b>Manchester University NHS Foundation Trust</b>                       |               |              |                         |                              |            |
| Inadequate Nursing Care                                                 | 52            | 1,084,206    | 223,721                 | 1,312,603                    | 2,620,529  |
| Infusion Problems                                                       | #             | #            | #                       | #                            | #          |
| Intubation Problems                                                     | #             | #            | #                       | #                            | #          |
| <b>Mid Yorkshire Teaching NHS Trust</b>                                 |               |              |                         |                              |            |
| Inadequate Nursing Care                                                 | 47            | 1,021,519    | 152,980                 | 1,034,772                    | 2,209,271  |
| Infusion Problems                                                       | #             | #            | #                       | #                            | #          |
| <b>Liverpool University Hospitals NHS Foundation Trust</b>              |               |              |                         |                              |            |
| Inadequate Nursing Care                                                 | 47            | 1,736,837    | 344,139                 | 1,775,057                    | 3,856,033  |
| Infusion Problems                                                       | #             | #            | #                       | #                            | #          |
| Intubation Problems                                                     | #             | #            | #                       | #                            | #          |
| <b>University Hospitals Birmingham NHS Foundation Trust</b>             |               |              |                         |                              |            |
| Inadequate Nursing Care                                                 | 44            | 3,246,254    | 688,330                 | 2,171,052                    | 6,105,635  |
| Infusion Problems                                                       | #             | #            | #                       | #                            | #          |
| <b>The Leeds Teaching Hospitals NHS Trust</b>                           |               |              |                         |                              |            |
| Inadequate Nursing Care                                                 | 41            | 989,188      | 177,927                 | 999,371                      | 2,166,486  |
| <b>Northern Care Alliance NHS Foundation Trust</b>                      |               |              |                         |                              |            |
| Inadequate Nursing Care                                                 | 39            | 721,918      | 130,304                 | 922,634                      | 1,774,855  |
| Infusion Problems                                                       | #             | #            | #                       | #                            | #          |
| <b>Hull University Teaching Hospitals NHS Trust</b>                     |               |              |                         |                              |            |
| Inadequate Nursing Care                                                 | 39            | 1,277,269    | 177,011                 | 902,696                      | 2,356,976  |
| <b>Northern Lincolnshire &amp; Goole Hospitals NHS Foundation Trust</b> |               |              |                         |                              |            |
| Inadequate Nursing Care                                                 | 34            | 1,026,965    | 162,207                 | 903,252                      | 2,092,424  |
| Intubation Problems                                                     | #             | #            | #                       | #                            | #          |
| <b>Lancashire Teaching Hospitals NHS Foundation Trust</b>               |               |              |                         |                              |            |
| Inadequate Nursing Care                                                 | 34            | 852,766      | 100,786                 | 617,193                      | 1,570,744  |
| Infusion Problems                                                       | #             | #            | #                       | #                            | #          |
| <b>Royal Wolverhampton NHS Trust (The)</b>                              |               |              |                         |                              |            |
| Inadequate Nursing Care                                                 | 35            | 2,465,732    | 203,032                 | 1,181,124                    | 3,849,889  |
| <b>Sheffield Teaching Hospitals NHS Foundation Trust</b>                |               |              |                         |                              |            |
| Inadequate Nursing Care                                                 | 33            | 1,016,803    | 150,301                 | 1,055,228                    | 2,222,332  |
| Infusion Problems                                                       | #             | #            | #                       | #                            | #          |
| Intubation Problems                                                     | #             | #            | #                       | #                            | #          |