



Resolution

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November 2024
FOI_6763

The following information was requested on 23 September and clarified on 10 October 2024:

[On 23 September 2024 you requested]:

RE: Spinal Claims Nationally - I was wondering if there has been any recent analysis of figures for spinal claims nationally or is this something that would be done 10 yearly. Just looking to update my slide.

[On 8 October 2024 we sought clarification]:

We are dealing with your request below, but would you be able to confirm whether you are seeking the data for the last 10 years (i.e. 2013/14 to 2023/24) and national data, rather than just for your trust?

We do have spinal damage injury code, but not CES (Cauda Equina Syndrome) – we would be able to provide the data regarding spinal injury.

We could provide you with the number of claims received and also the number closed with nil damages paid (we wouldn't use the term 'without merit'); number closed with a damages payment and associated costs.

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).

We look forward to hearing from you.

[On 10 October 2024 you replied with]:

I use the below information in my presentation at Medical training so I was looking at updating this as you can see that it is 6 years old now. If you could provide info as below for 2018/19 to 2022/23 that would be helpful.

- *From 2008 to 2018, NHSR received 827 claims for incidents of CES.*
- *340 of these claims were settled with Damages.*
- *212 were without merit.*
- *275 remain open.*
- *These claims have cost the NHS £186M.*

[On 10 October 2024 we replied with]:

Thank you.

Do you require data for your own trust or nationally?

We do have spinal damage injury code, but not CES (Cauda Equina Syndrome) – we would be able to provide the data regarding spinal injury.

[On 10 October 2024 you replied with]:

Could you give me the figure for both please. I presume that these will include CES cases.

Many thanks

Our Response

In terms of claims specifically relating to Cauda Equina Syndrome. 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](#), unfortunately *Cauda Equina* is not one of these. 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 review of all cases to identify which ones relate to claims involving *Cauda Equina*. 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'.

We estimate that it would take on average 10 minutes to locate, retrieve and extract the requested information from an individual file. It may therefore be the case that we would be able to examine only 108 files within 18 hours.

Please find attached the requested information we are able to provide. 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>.

Please note we have separated data in relation to clinical claims under our general practice indemnity schemes and other clinical schemes.

NHS Resolution started operating the state indemnity scheme for general practice in England in April 2019. The Clinical Negligence Scheme for General Practice covers clinical negligence liabilities arising in general practice in relation to incidents that occurred on or after 1 April 2019. The [Existing Liabilities Scheme for General Practice \(ELSGP\)](#) provides indemnity cover for NHS clinical negligence claims made against current and former GP members of medical defence organisations in respect of liabilities incurred before 1 April 2019. These cases were transferred to NHS Resolution in 2020 and 2021. More details on both schemes can be found via the following link: [Clinical schemes - NHS Resolution](#).

Claims recorded against the Department of Health and Social Care (showing as Department of Health) include liabilities arising from defunct NHS organisations, which transferred to the Secretary of State for Health and Social Care when those organisations were abolished.

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 (GP schemes excluded) Claims and Incidents received between financial years 2018/19 and 2023/24 where the Primary Injury is "Spinal Damage". Broken down by Member/Trust.

Table 2 shows: - Number of CNSGP and ELSGP Claims and Incidents received between financial years 2018/19 and 2023/24 where the Primary Injury is "Spinal Damage". Broken down by Member/Trust.

Table 3 shows: - Number and Cost of Clinical (GP schemes excluded) Claims Closed (or settled with a periodical payment order) between financial years 2018/19 and 2023/24 with a damages payment where the Primary Injury is "**Spinal Damage**". Broken down by Member/Trust. 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 4 shows: - Number and Cost of CNSGP and ELSGP Claims Closed (or settled with a periodical payment order) between financial years 2018/19 and 2023/24 with a damages payment where the Primary Injury is "**Spinal Damage**". Broken down by Member/Trust. 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 5 shows: - Number and Cost of Clinical (GP schemes Excluded) Claims Closed between financial years 2018/19 and 2023/24 with **NIL** damages paid where the Primary Injury is "**Spinal Damage**". Broken down by Member/Trust.

Table 6 shows: - Number and Cost of CNSGP and ELSGP Claims Closed between financial years 2018/19 and 2023/24 with **NIL** damages paid where the Primary Injury is "**Spinal Damage**". Broken down by Member/Trust.

Please note Claims recorded against the Department of Health and Social Care (showing as Department of Health) include liabilities arising from defunct NHS organisations, which transferred to the Secretary of State for Health and Social Care when those organisations were abolished. They also include claims under the [Existing Liabilities Scheme for General Practice \(ELSGP\)](#) – a state indemnity scheme for general practice, providing indemnity cover for NHS clinical negligence claims made against current and former GP members of medical defence organisations in respect of liabilities incurred before 1 April 2019. Coverage began on 1 April 2019. More details on each scheme can be found via the following link: [Clinical schemes - NHS Resolution](#). This also applies to the claims against NHS England.

Please note: the tables broken down by Trusts 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.

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 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 Freedom of Information 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.

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 (GP schemes excluded) Claims and Incidents received between financial years 2018/19 and 2023/24 where the Primary Injury is "Spinal Damage". Broken down by Member/Trust.

Table 2: Number of CNSGP and ELSGP Claims and Incidents received between financial years 2018/19 and 2023/24 where the Primary Injury is "Spinal Damage". Broken down by Member/Trust.

Table 3: Number and Cost of Clinical (GP schemes excluded) Claims Closed (or settled with a periodical payment order) between financial years 2018/19 and 2023/24 with a damages payment where the Primary Injury is "Spinal Damage". Broken down by Member/Trust. 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 4: Number and Cost of CNSGP and ELSGP Claims Closed (or settled with a periodical payment order) between financial years 2018/19 and 2023/24 with a damages payment where the Primary Injury is "Spinal Damage". Broken down by Member/Trust. 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 5: Number and Cost of Clinical (GP schemes Excluded) Claims Closed between financial years 2018/19 and 2023/24 with NIL damages paid where the Primary Injury is "Spinal Damage". Broken down by Member/Trust.

Table 6: Number and Cost of CNSGP and ELSGP Claims Closed between financial years 2018/19 and 2023/24 with NIL damages paid where the Primary Injury is "Spinal Damage". Broken down by Member/Trust.

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Table 1: Number of Clinical (GP schemes excluded) Claims and Incidents received between financial years 2018/19 and 2023/24 where the Primary Injury is "Spinal Damage". Broken down by Member/Trust.

Notified	Y
Member/Trust Name	No. of Claims
Members/Trusts with less than 5 claims (113 members/trusts)	225
Northern Care Alliance NHS Foundation Trust	23
Sheffield Teaching Hospitals NHS Foundation Trust	20
University Hospitals Coventry & Warwickshire NHS Trust	20
Lancashire Teaching Hospitals NHS Foundation Trust	18
University Hospitals Birmingham NHS Foundation Trust	17
The Leeds Teaching Hospitals NHS Trust	16
University Hospital Southampton NHS Foundation Trust	14
Mid and South Essex NHS Foundation Trust	14
University Hospitals of Leicester NHS Trust	14
Barts Health NHS Trust	13
East Suffolk and North Essex NHS Foundation Trust	13
Mersey and West Lancashire Hospitals NHS Trust	13
County Durham and Darlington NHS Foundation Trust	12
Royal Wolverhampton NHS Trust (The)	11
Nottingham University Hospitals NHS Trust	11
Imperial College Healthcare NHS Trust	11
King's College Hospital NHS Foundation Trust	11
The Royal Orthopaedic Hospital NHS Foundation Trust	11
Medway NHS Foundation Trust	10
Hull University Teaching Hospitals NHS Trust	10
Warrington and Halton Hospitals NHS Foundation Trust	10
St George's University Hospitals NHS Foundation Trust	9
Somerset NHS Foundation Trust	9
Barking, Havering and Redbridge University Hospitals NHS Trust	9
Shrewsbury and Telford Hospital NHS Trust	9
Mid Yorkshire Teaching NHS Trust	9
East Midlands Ambulance Service NHS Trust	8
Bedfordshire Hospitals NHS Foundation Trust	8
Oxford University Hospitals NHS Foundation Trust	8
Walton Centre NHS Foundation Trust (The)	8
East Kent Hospitals University NHS Foundation Trust	8
South Tyneside and Sunderland NHS Foundation Trust	8
Newcastle Upon Tyne Hospitals NHS Foundation Trust (The)	8
North West Ambulance NHS Trust	7
Buckinghamshire Healthcare NHS Trust	7
University Hospitals of Derby and Burton NHS Foundation Trust	7
Guy's and St Thomas' NHS Foundation Trust	7
University Hospitals of Morecambe Bay NHS Foundation Trust	7
South Tees Hospitals NHS Foundation Trust	7
East Lancashire Hospitals NHS Trust	7
Hampshire Hospitals NHS Foundation Trust	7
Yorkshire Ambulance Service NHS Trust	7
Northampton General Hospital NHS Trust	6
The Rotherham NHS Foundation Trust	6
Robert Jones & Agnes Hunt Orthopaedic Hospital NHS Foundation Trust (The)	6
North East Ambulance Service NHS Foundation Trust	6
University Hospitals of North Midlands NHS Trust	6
University Hospitals Dorset NHS Foundation Trust	6
Ramsay Healthcare	6
Sandwell & West Birmingham Hospitals NHS Trust	6
Liverpool University Hospitals NHS Foundation Trust	6
North Bristol NHS Trust	6
Solent NHS Trust	5
East of England Ambulance NHS Trust	5
South East Coast Ambulance NHS Foundation Trust	5
Kettering General Hospital NHS Foundation Trust	5
Stockport NHS Foundation Trust	5
Northern Lincolnshire & Goole Hospitals NHS Foundation Trust	5
University Hospitals Sussex NHS Foundation Trust	5
Grand Total	776

Table 2: Number of CNSGP and ELSGP Claims and Incidents received between financial years 2018/19 and 2023/24 where the Primary Injury is "Spinal Damage". Broken down by Member/Trust.

Notified	Y
Member/Trust Name ---Scheme	No. of Claims
NHS England	
CNSGP	143
ELSGP	#
Department of Health	
ELSGP	125

Table 3: Number and Cost of Clinical (GP schemes excluded) Claims Closed (or settled with a periodical payment order) between financial years 2018/19 and 2023/24 with a damages payment where the Primary Injury is "Spinal Damage". Broken down by Member/Trust. 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

Member/Trust Name	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Members/Trusts with less than 5 claims (107 members/trusts)	202	88,794,247	8,354,924	29,075,458	126,224,629
Mid and South Essex NHS Foundation Trust	14	1,850,345	541,189	1,863,626	4,255,160
University Hospitals Birmingham NHS Foundation Trust	14	8,868,457	759,335	1,782,730	11,410,522
Northern Care Alliance NHS Foundation Trust	13	13,414,986	735,673	2,485,817	16,636,477
Sheffield Teaching Hospitals NHS Foundation Trust	10	2,462,627	446,933	1,260,000	4,169,560
Nottingham University Hospitals NHS Trust	9	10,405,693	790,103	1,840,338	13,036,133
Barts Health NHS Trust	8	2,195,458	249,366	855,250	3,300,074
Royal Wolverhampton NHS Trust (The)	8	8,829,818	412,939	1,306,615	10,549,372
Warrington and Halton Hospitals NHS Foundation Trust	8	3,762,990	386,128	1,018,500	5,167,619
Barking, Havering and Redbridge University Hospitals NHS Trust	7	875,480	201,203	690,000	1,766,683
Medway NHS Foundation Trust	7	5,152,576	147,920	859,750	6,160,246
Sandwell & West Birmingham Hospitals NHS Trust	7	786,351	171,077	393,552	1,350,980
University Hospitals Sussex NHS Foundation Trust	7	8,741,827	472,020	1,505,940	10,719,787
University Hospital Southampton NHS Foundation Trust	7	4,928,183	201,600	1,313,123	6,442,906
King's College Hospital NHS Foundation Trust	7	8,475,823	622,808	1,955,405	11,054,036
Ramsay Healthcare	7	2,231,691	244,208	927,480	3,403,379
Manchester University NHS Foundation Trust	7	8,468,909	298,641	1,222,330	9,989,880
University Hospitals Coventry & Warwickshire NHS Trust	6	2,123,420	279,368	719,075	3,121,863
North Bristol NHS Trust	6	2,849,029	295,681	977,250	4,121,960
St George's University Hospitals NHS Foundation Trust	6	2,824,634	282,067	833,090	3,939,791
Buckinghamshire Healthcare NHS Trust	6	3,943,030	249,395	1,578,879	5,771,304
Oxford University Hospitals NHS Foundation Trust	6	8,730,210	474,789	1,125,000	10,329,999
South Western Ambulance Service NHS Foundation Trust	5	385,324	187,994	622,250	1,195,568
Somerset NHS Foundation Trust	5	4,210,316	255,665	1,048,250	5,514,231
Blackpool Teaching Hospitals NHS Foundation Trust	5	417,673	221,272	761,250	1,400,195
Stockport NHS Foundation Trust	5	1,042,678	184,015	389,750	1,616,443
University Hospitals of Leicester NHS Trust	5	6,168,612	272,838	717,700	7,159,150
United Lincolnshire Hospitals NHS Trust	5	613,202	153,321	275,540	1,042,063
Lancashire Teaching Hospitals NHS Foundation Trust	5	681,764	89,526	276,958	1,048,247
Croydon Health Services NHS Trust	5	1,907,336	323,067	887,500	3,117,903
Norfolk & Norwich University Hospitals NHS Foundation Trust	5	1,219,590	250,061	606,451	2,076,102
	417	217,362,280	18,555,129	61,174,856	297,092,265

Table 4: Number and Cost of CNSGP and ELSGP Claims Closed (or settled with a periodical payment order) between financial years 2018/19 and 2023/24 with a damages payment where the Primary Injury is "Spinal Damage". Broken down by Member/Trust. 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

Member/Trust Name ---Scheme	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Department of Health					
ELSGP	26	11,940,643	757,130	3,229,500	15,927,273
NHS England					
CNSGP	6	163,429	17,447	255,100	435,976
Grand Total	32	12,104,072	774,577	3,484,600	16,363,248

Table 5: Number and Cost of Clinical (GP schemes Excluded) Claims Closed between financial years 2018/19 and 2023/24 with NIL damages paid where the Primary Injury is "Spinal Damage". Broken down by Member/Trust.

ClosedSettled	Y
Claim_Outcome	Nil Damages

Member/Trust Name	No. of Claims	NHS Legal Costs Paid	Claimant Legal Costs Paid
Members/Trusts with less than 5 claims (99 members/trusts)	172	2,371,951	228,088
Northern Care Alliance NHS Foundation Trust	13	172,101	20,000
The Leeds Teaching Hospitals NHS Trust	11	156,405	0
Sheffield Teaching Hospitals NHS Foundation Trust	11	87,627	0
University Hospitals Coventry & Warwickshire NHS Trust	10	61,287	0
Lancashire Teaching Hospitals NHS Foundation Trust	10	134,600	0
East Suffolk and North Essex NHS Foundation Trust	7	58,151	0
King's College Hospital NHS Foundation Trust	7	37,339	325,000
County Durham and Darlington NHS Foundation Trust	6	40,957	0
Bedfordshire Hospitals NHS Foundation Trust	6	58,001	0
St George's University Hospitals NHS Foundation Trust	5	101,490	0
Mersey and West Lancashire Hospitals NHS Trust	5	51,452	0
East Midlands Ambulance Service NHS Trust	5	72,626	0
Oxford University Hospitals NHS Foundation Trust	5	70,953	0
Hull University Teaching Hospitals NHS Trust	5	230,870	0
Walton Centre NHS Foundation Trust (The)	5	26,009	0
North West Ambulance NHS Trust	5	30,862	0
Grand Total	288	3,762,680	573,088

Table 6: Number and Cost of CNSGP and ELSGP Claims Closed between financial years 2018/19 and 2023/24 with NIL damages paid where the Primary Injury is "Spinal Damage". Broken down by Member/Trust.

ClosedSettled	Y
Claim_Outcome	Nil Damages

Member/Trust Name ---Scheme	No. of Claims	NHS Legal Costs Paid	Claimant Legal Costs Paid
NHS England			
CNSGP	101	89,444	0
ELSGP	#	0	0
Department of Health			
ELSGP	81	347,182	22,055