



Resolution

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October 2024
FOI_6781

The following information was requested on 2 October and clarified on 9 October 2024:

[Requested on 2 October 2024]

*...I believe there's a valuable opportunity to raise awareness among our nursing team by presenting data, particularly regarding the financial compensation that patients and families may receive due to hospital-acquired wounds within the Trust.
I understand that accessing this data could be challenging due to confidentiality and data protection concerns.*

I'm particularly interested in the financial implications so I can highlight how documentation and care is crucial.

[we sought clarification on 4 October 2024]

Thank you for your request, but we will need to clarify certain points before we can respond.

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 do not have a code for ELR, or hospital acquired wounds. Would you be able to review the codes and confirm which ones would be useful for you, for example injury: tissue damage, hospital acquired infection, bacterial or viral infection.

We could provide you with the number of claims received and also the number closed with nil damages paid; number closed with a damages payment and associated costs. Please provide us with the time period you would like the data to cover.

Your request will be put on hold until we receive the clarification requested above.

[You replied on 4 October 2024]

Thank you for your prompt response.

*I've reviewed the codes you provided, and I'm particularly interested in code 97 - **pressure sores**.*

It would be helpful to have the number of claims received, as well as the breakdown of claims closed with no damages paid, those closed with a damages payment, and the associated costs. A timeframe of the last five years would be ideal.

[On 4 October 2024 we sought further clarification]:

Thank you for this clarification, just one more question – would you be interested intrust's data or national data, broken down by trusts?

[You replied on 9 October 2024 with]:

Sorry for the delay in reply. At the moment I'm only interested in University Hospitals Sussex NHS Foundation.

Our Response

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

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.

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.

Table 1 shows: - Number of Clinical Claims and Incidents received between 2019/20 and 2023/24, where the trust is University Hospitals Sussex NHS Foundation Trust and where any Injury is '**Pressure Sores**' broken down by Year.

Table 2 shows: - Number and Cost of Clinical Claims Closed between 2019/20 and 2023/24, where the trust is University Hospitals Sussex NHS Foundation Trust with a damages payment and where any injury is '**Pressure Sores**', broken down by Year.

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

Table 3 shows: - Number and Cost of Clinical Claims Closed between 2019/20 and 2023/24, where the trust is University Hospitals Sussex NHS Foundation Trust, with **NIL** damages and where any injury is '**Pressure Sores**', broken down by Year. The data includes the legal costs paid up until the end of each relevant financial year of closure.

NHS Resolution has also produced two publications which relate to pressure sores, and which are publicly available via our website. Links to those publications are below:

<https://resolution.nhs.uk/wp-content/uploads/2022/03/3-NHS-Resolution-ED-report-Hospital-acquired-pressure-ulcers-and-falls.pdf>

<https://resolution.nhs.uk/wp-content/uploads/2018/10/Did-you-know-Maternity-Pressure-Ulcers.pdf>

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 2019/20 and 2023/24, where the trust is University Hospitals Sussex NHS Foundation Trust and where any Injury is 'Pressure Sores' broken down by Year.

Table 2: Number and Cost of Clinical Claims Closed between 2019/20 and 2023/24, where the trust is University Hospitals Sussex NHS Foundation Trust with a damages payment and where any injury is 'Pressure Sores', broken down by Year. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

Table 3 - Number and Cost of Clinical Claims Closed between 2019/20 and 2023/24, where the trust is University Hospitals Sussex NHS Foundation Trust, with NIL damages and where any injury is 'Pressure Sores', broken down by Year. The data includes the legal costs paid up until the end of each relevant financial year of closure.

Table 1: Number of Clinical Claims and Incidents received between 2019/20 and 2023/24, where the trust is University Hospitals Sussex NHS Foundation Trust and where any Injury is 'Pressure Sores' broken down by Year.

Notified	Y
Trust	University Hospitals Sussex NHS Foundation Trust

Reporting Year	No. of Claims
2019/20	#
2020/21	6
2021/22	#
2022/23	6
2023/24	#
Grand Total	20



Table 2: Number and Cost of Clinical Claims Closed between 2019/20 and 2023/24, where the trust is University Hospitals Sussex NHS Foundation Trust with a damages payment and where any injury is 'Pressure Sores', broken down by Year. 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	University Hospitals Sussex NHS Foundation Trust

Closed/ Settled Year	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2019/20	8	98,000	28,298	137,050	263,348
2020/21	#	#	#	#	#
2021/22	#	#	#	#	#
2023/24	6	90,205	18,251	110,750	219,206
Grand Total	21	370,205	54,211	376,400	800,816

Table 3 - Number and Cost of Clinical Claims Closed between 2019/20 and 2023/24, where the trust is University Hospitals Sussex NHS Foundation Trust, with NIL damages and where any injury is 'Pressure Sores', broken down by Year. The data includes the legal costs paid up until the end of each relevant financial year of closure.

ClosedSettled	Y
Claim_Outcome	Nil Damages
Trust	University Hospitals Sussex NHS Foundation Trust

Closed / Settled Year	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2019/20	#	#	#	#	#
2023/24	#	#	#	#	#
Grand Total	#	#	#	#	#