



Resolution

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November 2024
FOI_6846

The following information was requested on 5 November 2024:

Under the Freedom of Information Act 2000, please can you disclose the following information:

- 1. How many claims were lodged against the NHS where one of the injury codes was a hospital-acquired infection? (Broken down by years: 2021/22, 2022/23, 2023/24)*
 - 1a. Could these figures be broken down to claims made against a specific NHS Trust? (Broken down by years: 2021/22, 2022/23, 2023/24)*
 - 1b. How much has each trust had to pay out to successful claims? (Broken down by years: 2021/22, 2022/23, 2023/24)*

[We contacted you on 6 November 2024 with]:

Thank you for your request.

We've been contacted by a few of the trusts you made this request to.

Would you be able to withdraw your request from the trusts, please?

We will be responding on their behalf – we will provide you with the information broken down by individual trusts.

[You replied on 6 November 2024 with]:

Thank you for your response to FOI_6846.

Yes, I will withdraw the FOI from the trusts. Apologies, I wasn't sure if they would hold claim information.

Our Response

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

We note that the attached information does not reveal the data for the Trusts that had claims within the time period specified. This is because we do not disclose granular level claims data (where it relates to fewer than 5 claims). Please see our low numbers refusal notice below for the exemption available under the Freedom of Information Act 2000 for the refusal of the low figures (this exemption would also apply to Trusts). We

have provided you with the overall grand total and a list of the Trusts which who have claims which contribute to that total, which we hope is helpful.

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 of CNST Claims and Incidents received between financial years 2021/22 and 2023/24 where any injury is '**Hospital Acquired Infection**'. Breakdown by Trust.

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. Breakdown by Trust.

Low figures refusal

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/>

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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 CNST Claims and Incidents received between financial years 2021/22 and 2023/24 where any injury is 'Hospital Acquired Infection'. Breakdown by Trust.

Table 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. Breakdown by Trust.

Table 1: Number of CNST Claims and Incidents received between financial years 2021/22 and 2023/24 where any injury is 'Hospital Acquired Infection'. Breakdown by Trust.

Notified scheme	Y CNST
Year of Notification	
--Trust Name	No. of Claims
2021/22	
The Leeds Teaching Hospitals NHS Trust	#
Manchester University NHS Foundation Trust	#
Barnsley Hospital NHS Foundation Trust	#
Frimley Health NHS Foundation Trust	#
Mid Yorkshire Teaching NHS Trust	#
Royal Devon University Healthcare NHS Foundation Trust	#
North West Anglia NHS Foundation Trust	#
Lewisham & Greenwich NHS Trust	#
London North West University Healthcare NHS Trust	#
Ramsay Healthcare	#
Bolton NHS Foundation Trust	#
Sandwell & West Birmingham Hospitals NHS Trust	#
Mersey Care NHS Foundation Trust	#
North East London NHS Foundation Trust	#
Mid and South Essex NHS Foundation Trust	#
Northern Care Alliance NHS Foundation Trust	#
Mid Cheshire Hospitals NHS Foundation Trust	#
Royal Cornwall Hospitals NHS Trust	#
County Durham and Darlington NHS Foundation Trust	#
Royal Surrey County Hospital NHS Foundation Trust (The)	#
United Lincolnshire Hospitals NHS Trust	#
South Warwickshire NHS Foundation Trust	#
University Hospitals of Leicester NHS Trust	#
Bedfordshire Hospitals NHS Foundation Trust	#
University Hospitals Coventry & Warwickshire NHS Trust	#
Norfolk & Norwich University Hospitals NHS Foundation Trust	#
Wirral University Teaching Hospital NHS Foundation Trust	#
North Bristol NHS Trust	#
North East Ambulance Service NHS Foundation Trust	#
2022/23	
Barts Health NHS Trust	#
King's College Hospital NHS Foundation Trust	#
The Leeds Teaching Hospitals NHS Trust	#
Northern Care Alliance NHS Foundation Trust	#
Royal Papworth Hospital NHS Foundation Trust	#
University Hospitals of North Midlands NHS Trust	#
Countess of Chester Hospital NHS Foundation Trust	#
Mid Yorkshire Teaching NHS Trust	#
Ramsay Healthcare	#
East and North Hertfordshire NHS Trust	#
Blackpool Teaching Hospitals NHS Foundation Trust	#
United Lincolnshire Hospitals NHS Trust	#
Bedfordshire Hospitals NHS Foundation Trust	#
University College London Hospitals NHS Foundation Trust	#
University Hospitals of Derby and Burton NHS Foundation Trust	#
Lewisham & Greenwich NHS Trust	#
Barking, Havering and Redbridge University Hospitals NHS Trust	#
Maidstone and Tunbridge Wells NHS Trust	#
2023/24	
Airedale NHS Foundation Trust	#
Mid and South Essex NHS Foundation Trust	#
University Hospitals Bristol & Weston NHS Foundation Trust	#
King's College Hospital NHS Foundation Trust	#
York and Scarborough Teaching Hospitals NHS Foundation Trust	#
Royal Marsden NHS Foundation Trust (The)	#
University Hospital Southampton NHS Foundation Trust	#

Table 1: Number of CNST Claims and Incidents received between financial years 2021/22 and 2023/24 where any injury is 'Hospital Acquired Infection'. Breakdown by Trust.

Notified scheme	Y CNST
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Year of Notification --Trust Name	No. of Claims
South Warwickshire NHS Foundation Trust	#
County Durham and Darlington NHS Foundation Trust	#
University Hospitals of Derby and Burton NHS Foundation Trust	#
North Bristol NHS Trust	#
Royal United Hospitals Bath NHS Foundation Trust	#
North Middlesex University Hospital NHS Trust	#
United Lincolnshire Hospitals NHS Trust	#
University Hospitals of Leicester NHS Trust	#
Homerton Healthcare NHS Foundation Trust	#
Gloucestershire Hospitals NHS Foundation Trust	#
Barts Health NHS Trust	#
Oxford University Hospitals NHS Foundation Trust	#
Northern Lincolnshire & Goole Hospitals NHS Foundation Trust	#
Nottingham University Hospitals NHS Trust	#
Grand Total	85

Table 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. Breakdown by Trust.

ClosedSettled scheme Claim_Outcome	Y CNST Damages Paid
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Year of Closure --Trust Name	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2021/22					
Barts Health NHS Trust	#	#	#	#	#
Bolton NHS Foundation Trust	#	#	#	#	#
Buckinghamshire Healthcare NHS Trust	#	#	#	#	#
Calderdale & Huddersfield NHS Foundation Trust	#	#	#	#	#
East and North Hertfordshire NHS Trust	#	#	#	#	#
Hillingdon Hospitals NHS Foundation Trust (The)	#	#	#	#	#
Homerton Healthcare NHS Foundation Trust	#	#	#	#	#
Mid Yorkshire Teaching NHS Trust	#	#	#	#	#
NHS England	#	#	#	#	#
North West Anglia NHS Foundation Trust	#	#	#	#	#
Ramsay Healthcare	#	#	#	#	#
Sandwell & West Birmingham Hospitals NHS Trust	#	#	#	#	#
University Hospitals Birmingham NHS Foundation Trust	#	#	#	#	#
University Hospitals Bristol & Weston NHS Foundation Trust	#	#	#	#	#
University Hospitals Coventry & Warwickshire NHS Trust	#	#	#	#	#
University Hospitals Dorset NHS Foundation Trust	#	#	#	#	#
University Hospitals of Morecambe Bay NHS Foundation Trust	#	#	#	#	#
University Hospitals Plymouth NHS Trust	#	#	#	#	#
West Hertfordshire Hospitals NHS Trust	#	#	#	#	#
Worcestershire Acute Hospitals NHS Trust	#	#	#	#	#
2022/23					
Birmingham Community Healthcare	#	#	#	#	#
Bolton NHS Foundation Trust	#	#	#	#	#
Bradford Teaching Hospitals NHS Foundation Trust	#	#	#	#	#
Coventry and Warwickshire Partnership NHS Trust	#	#	#	#	#
Croydon Health Services NHS Trust	#	#	#	#	#
East and North Hertfordshire NHS Trust	#	#	#	#	#
East Kent Hospitals University NHS Foundation Trust	#	#	#	#	#
Hertfordshire Community Services NHS Trust	#	#	#	#	#
Imperial College Healthcare NHS Trust	#	#	#	#	#
King's College Hospital NHS Foundation Trust	#	#	#	#	#
Lewisham & Greenwich NHS Trust	#	#	#	#	#
North East London NHS Foundation Trust	#	#	#	#	#
North West Ambulance NHS Trust	#	#	#	#	#
Northern Care Alliance NHS Foundation Trust	#	#	#	#	#
Sheffield Teaching Hospitals NHS Foundation Trust	#	#	#	#	#
Stockport NHS Foundation Trust	#	#	#	#	#
The Leeds Teaching Hospitals NHS Trust	#	#	#	#	#
University Hospitals Birmingham NHS Foundation Trust	#	#	#	#	#
University Hospitals of Leicester NHS Trust	#	#	#	#	#
University Hospitals of North Midlands NHS Trust	#	#	#	#	#
2023/24					
East Lancashire Hospitals NHS Trust	#	#	#	#	#
Essex Partnership University NHS Foundation Trust	#	#	#	#	#
King's College Hospital NHS Foundation Trust	#	#	#	#	#
Lewisham & Greenwich NHS Trust	#	#	#	#	#
Liverpool Heart and Chest Hospital NHS Foundation Trust	#	#	#	#	#
Mersey Care NHS Foundation Trust	#	#	#	#	#
Norfolk & Norwich University Hospitals NHS Foundation Trust	#	#	#	#	#
North Bristol NHS Trust	#	#	#	#	#
Oxford University Hospitals NHS Foundation Trust	#	#	#	#	#
Ramsay Healthcare	#	#	#	#	#
Royal Cornwall Hospitals NHS Trust	#	#	#	#	#

Table 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. Breakdown by Trust.

ClosedSettled scheme Claim_Outcome	Y CNST Damages Paid
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Year of Closure --Trust Name	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Sandwell & West Birmingham Hospitals NHS Trust	#	#	#	#	#
The Leeds Teaching Hospitals NHS Trust	#	#	#	#	#
United Lincolnshire Hospitals NHS Trust	#	#	#	#	#
University Hospitals Coventry & Warwickshire NHS Trust	#	#	#	#	#
University Hospitals of Leicester NHS Trust	#	#	#	#	#
University Hospitals of North Midlands NHS Trust	#	#	#	#	#
Wirral University Teaching Hospital NHS Foundation Trust	#	#	#	#	#
Grand Total	66	4,226,811	753,131	3,325,699	8,305,641