



Resolution

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February 2025

FOI_6997

The following information was requested on 24 January 2025:

I am writing to request information under the Freedom of Information Act, please can you provide the following:

- 1. The number of claims against NHS Trusts for **Anaesthesia** (negligence) in the last 5 years? Can this be broken down by year and by NHS Trust? Financial Years: 2019/20, 2020/21, 2021/22, 2023/24.*
- 2. The number of claims against NHS Trusts for Anaesthesia in the last 5 years? Can this be broken down by year and by cause? Financial Years: 2019/20, 2020/21, 2021/22, 2023/24.*
- 3. The number of claims against NHS Trusts for Anaesthesia in the last 5 years? Can this be broken down by year and by injury? Financial Years: 2019/20, 2020/21, 2021/22, 2023/24.*
- 4. The number and cost of claims against NHS Trusts for Anaesthesia in the last 5 years broken down by Trust and year. (Including No. of claims, Damages Paid, NHS Legal Costs paid, Claimant legal costs paid, Total paid)*
- 5. The number and cost of claims against NHS Trusts for Anaesthesia the last 5 years broken down by cause and year. (Including No. of claims, Damages Paid, NHS Legal Costs paid, Claimant legal costs paid, Total paid)*

Can this be presented in PDF format?

Our Response

Please find attached the requested information we are able to provide. We only hold claims data for England, not the rest of the UK.

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

[Understanding NHS Resolution data - NHS Resolution](#)

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.

For information about our Clinical Negligence Schemes, please visit our website here: [Clinical schemes - NHS Resolution](#)

Please note: Cover under the Clinical Negligence Scheme for Trusts (CNST) has also been available to independent sector providers (ISPs) of NHS care since 1st April 2013, but data relating to these ISPs has not been included in our response, as the request was for a breakdown by Trust.

Table 1 shows: - Number of CNST Claims and Incidents received between financial years '2019/20' and '2023/24' where the Specialty is '**Anaesthesia**'. Broken down by Year and NHS Trust.

Table 2 shows: - Number of CNST Claims and Incidents received between financial years '2019/20' and '2023/24' where the Specialty is '**Anaesthesia**'. Broken down by Year and Cause.

Table 3 shows: - Number of CNST Claims and Incidents received between financial years '2019/20' and '2023/24' where the Specialty is '**Anaesthesia**'. Broken down by Year and Injury.

Table 4 shows: - Number and Cost of CNST Claims Closed (or settled with a periodical payment order) between financial years '2019/20' and '2023/24' with a damages payment, where the Specialty is '**Anaesthesia**'. 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. Broken down by Year and NHS Trust.

Table 5 shows: - Number and Cost of CNST Claims Closed (or settled with a periodical payment order) between financial years '2019/20' and '2023/24' with a damages payment, where the Specialty is '**Anaesthesia**'. 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. Broken down by Year and Cause.

Table 6 shows: - Number and Cost of CNST Claims Closed (or settled with a periodical payment order) between financial years '2019/20' and '2023/24' with a damages payment, where the Specialty is '**Anaesthesia**'. 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. Broken down by Year and Injury.

Table 7 shows: - Number and Cost of CNST Claims Closed between financial years '2019/20' and '2023/24' with **NIL** damages paid where the Specialty is '**Anaesthesia**'. The data includes the legal costs paid up until the end of each relevant financial year of closure. Broken down by Year and NHS Trust.

Table 8 shows: - Number and Cost of CNST Claims Closed between financial years '2019/20' and '2023/24' with **NIL** damages paid where the Specialty is '**Anaesthesia**'. The data includes the legal costs paid up until the end of each relevant financial year of closure. Broken down by Year and Cause.

Table 9 shows: - Number and Cost of CNST Claims Closed between financial years '2019/20' and '2023/24' with **NIL** damages paid where the Specialty is '**Anaesthesia**'. The data includes the legal costs paid up until the end of each relevant financial year of closure. Broken down by Year and Injury.

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. For example, a number of high value claims in a complex treatment environment may skew the average damages awards. 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.

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 several [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 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 '2019/20' and '2023/24' where the Specialty is 'Anaesthesia'. Broken down by Year and NHS Trust.

Table 2: Number of CNST Claims and Incidents received between financial years '2019/20' and '2023/24' where the Specialty is 'Anaesthesia'. Broken down by Year and Cause.

Table 3: Number of CNST Claims and Incidents received between financial years '2019/20' and '2023/24' where the Specialty is 'Anaesthesia'. Broken down by Year and Injury.

Table 4: Number and Cost of CNST Claims Closed (or settled with a periodical payment order) between financial years '2019/20' and '2023/24' with a damages payment, where the Specialty is 'Anaesthesia'. 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. Broken down by Year and NHS Trust.

Table 5: Number and Cost of CNST Claims Closed (or settled with a periodical payment order) between financial years '2019/20' and '2023/24' with a damages payment, where the Specialty is 'Anaesthesia'. 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. Broken down by Year and Cause.

Table 6: Number and Cost of CNST Claims Closed (or settled with a periodical payment order) between financial years '2019/20' and '2023/24' with a damages payment, where the Specialty is 'Anaesthesia'. 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. Broken down by Year and Injury.

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Table 7: Number and Cost of CNST Claims Closed between financial years '2019/20' and '2023/24' with NIL damages paid where the Specialty is 'Anaesthesia'. The data includes the legal costs paid up until the end of each relevant financial year of closure. Broken down by Year and NHS Trust.

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Table 1: Number of CNST Claims and Incidents received between financial years '2019/20' and '2023/24' where the Specialty is 'Anaesthesia'. Broken down by Year and NHS Trust.

Notified scheme	Y CNST
Year of Notification -- Trust	No. of Claims
2019/20	
Trusts with less than 5 Claims	100
Oxford University Hospitals NHS Foundation Trust	6
University Hospitals of Derby and Burton NHS Foundation Trust	6
Chesterfield Royal Hospital NHS Foundation Trust	5
2020/21	
Trusts with less than 5 Claims	86
University Hospitals of Leicester NHS Trust	5
2021/22	
Trusts with less than 5 Claims	65
2022/23	
Trusts with less than 5 Claims	73
Manchester University NHS Foundation Trust	5
2023/24	
Trusts with less than 5 Claims	79
Newcastle Upon Tyne Hospitals NHS Foundation Trust (The)	7
Grand Total	437

Table 2: Number of CNST Claims and Incidents received between financial years '2019/20' and '2023/24' where the Specialty is 'Anaesthesia'. Broken down by Year and Cause.

Notified scheme	Y CNST
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Year of Notification -- Cause	No. of Claims
2019/20	
Causes with less than 5 Claims	41
Medication Errors	15
Err With Agnt/Dose/Route/Selec	11
Intra-Op Problems	10
Intubation Problems	8
Fail / Delay Treatment	8
Fail To Warn-Informed Consent	8
Lack Of Pre-Op Evaluation	6
Infusion Problems	5
Inappropriate Treatment	5
2020/21	
Causes with less than 5 Claims	32
Medication Errors	10
Fail To Warn-Informed Consent	9
Err With Agnt/Dose/Route/Selec	8
Inappropriate Treatment	8
Intra-Op Problems	7
Fail To Recog. Complication Of	6
Intubation Problems	6
Fail / Delay Treatment	5
2021/22	
Causes with less than 5 Claims	42
Medication Errors	11
Intubation Problems	6
Inappropriate Treatment	6
2022/23	
Causes with less than 5 Claims	32
Inappropriate Treatment	12
Medication Errors	10
Intra-Op Problems	9
Intubation Problems	5
Fail / Delay Treatment	5
Fail To Warn-Informed Consent	5
2023/24	
Causes with less than 5 Claims	26
Fail To Warn-Informed Consent	10
Medication Errors	9
Intra-Op Problems	7
Inappropriate Treatment	7
Err With Agnt/Dose/Route/Selec	7
Incorrect Injection Site	5
Fail / Delay Treatment	5
Fail To Recog. Complication Of	5
Inadequate Monitoring Intra-Op	5
Grand Total	437

Table 3: Number of CNST Claims and Incidents received between financial years '2019/20' and '2023/24' where the Specialty is 'Anaesthesia'. Broken down by Year and Injury.

Notified scheme	Y CNST
Year of Notification -- Injury	No. of Claims
2019/20	
Injuries with less than 5 Claims	31
Psychiatric/Psychological Dmge	22
Unnecessary Pain	17
Fatality	13
Nerve Damage	8
Anaesthetic	6
Dental Damage	5
Brain Damage	5
Bruising/ Extravasation	5
Burn(s)	5
2020/21	
Injuries with less than 5 Claims	42
Psychiatric/Psychological Dmge	13
Nerve Damage	10
Unnecessary Pain	9
Adtnl/unnecessary Operation(s)	6
Anaesthetic	6
Dental Damage	5
2021/22	
Injuries with less than 5 Claims	36
Psychiatric/Psychological Dmge	13
Unnecessary Pain	11
Anaesthetic	5
2022/23	
Injuries with less than 5 Claims	34
Unnecessary Pain	13
Psychiatric/Psychological Dmge	10
Cardiac Arrest	6
Nerve Damage	5
Fatality	5
Dental Damage	5
2023/24	
Injuries with less than 5 Claims	29
Unnecessary Pain	19
Psychiatric/Psychological Dmge	11
Nerve Damage	8
Dental Damage	8
Fatality	6
Cardiac Arrest	5
Grand Total	437

Table 4: Number and Cost of CNST Claims Closed (or settled with a periodical payment order) between financial years '2019/20' and '2023/24' with a damages payment, where the Specialty is 'Anaesthesia'. 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. Broken down by Year and NHS Trust.

ClosedSettled	Y
scheme	CNST
Claim_Outcome	Damages Paid

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Costs Paid	Total Paid
-- Trust					
2019/20					
Trusts with less than 5 Claims	90	11,441,194	1,202,353	3,851,864	16,495,410
Manchester University NHS Foundation Trust	6	232,640	15,067	116,459	364,166
2020/21					
Trusts with less than 5 Claims	67	8,121,307	913,486	3,689,642	12,724,434
University Hospitals Coventry & Warwickshire NHS Trust	5	240,824	29,553	92,750	363,127
2021/22					
Trusts with less than 5 Claims	65	11,830,163	1,127,337	4,345,801	17,303,301
2022/23					
Trusts with less than 5 Claims	70	10,104,043	1,214,274	4,248,748	15,567,065
2023/24					
Trusts with less than 5 Claims	62	13,160,345	945,364	3,824,502	17,930,212
Grand Total	365	55,130,516	5,447,433	20,169,766	80,747,715

Table 5: Number and Cost of CNST Claims Closed (or settled with a periodical payment order) between financial years '2019/20' and '2023/24' with a damages payment, where the Specialty is 'Anaesthesia'. 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. Broken down by Year and Cause.

ClosedSettled scheme	Y
Claim_Outcome	CNST Damages Paid

Year of Closure (Settlement Year for PPOs) -- Cause	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Costs Paid	Total Paid
2019/20					
Causes with less than 5 Claims	45	6,862,482	609,843	1,982,930	9,455,256
Medication Errors	13	1,054,684	196,637	813,969	2,065,291
Err With Agnt/Dose/Route/Selec	11	173,600	22,884	168,049	364,533
Fail To Warn-Informed Consent	10	3,357,521	219,814	472,290	4,049,625
Operator Error	7	65,296	43,944	198,000	307,240
Fail / Delay Treatment	5	49,500	21,998	100,585	172,083
Inappropriate Treatment	5	110,750	102,300	232,500	445,550
2020/21					
Causes with less than 5 Claims	22	2,699,577	265,712	1,082,156	4,047,445
Medication Errors	10	2,209,979	166,602	1,106,251	3,482,832
Err With Agnt/Dose/Route/Selec	9	237,000	22,149	171,150	430,299
Intra-Op Problems	8	327,584	49,424	209,925	586,933
Inappropriate Treatment	6	215,000	20,686	121,102	356,788
Operator Error	6	429,386	48,822	245,722	723,930
Fail To Warn-Informed Consent	6	1,644,605	129,177	304,086	2,077,868
Inadequate Monitoring Intra-Op	5	599,000	240,466	542,000	1,381,466
2021/22					
Causes with less than 5 Claims	31	7,923,523	544,127	1,808,829	10,276,479
Intra-Op Problems	10	834,230	135,263	843,085	1,812,578
Fail To Warn-Informed Consent	6	218,999	68,647	415,500	703,146
Medication Errors	6	2,461,911	319,613	910,887	3,692,411
Err With Agnt/Dose/Route/Selec	6	218,500	29,012	240,500	488,012
Operator Error	6	173,000	30,675	127,000	330,675
2022/23					
Causes with less than 5 Claims	30	5,331,690	460,912	1,739,300	7,531,902
Medication Errors	12	806,912	55,564	328,850	1,191,326
Fail To Recog. Complication Of	7	1,964,520	226,460	941,500	3,132,480
Fail To Warn-Informed Consent	6	242,358	105,181	321,098	668,637
Err With Agnt/Dose/Route/Selec	5	369,825	24,214	166,000	560,039
Intra-Op Problems	5	148,000	91,721	237,500	477,221
Inappropriate Treatment	5	1,240,738	250,223	514,500	2,005,461
2023/24					
Causes with less than 5 Claims	38	5,106,142	543,961	2,454,402	8,104,506
Medication Errors	8	152,000	11,899	120,750	284,649
Intra-Op Problems	6	2,010,188	161,055	429,850	2,601,093
Err With Agnt/Dose/Route/Selec	5	5,848,500	219,436	734,000	6,801,937
Fail To Warn-Informed Consent	5	43,515	9,013	85,500	138,028
Grand Total	365	55,130,516	5,447,433	20,169,766	80,747,715

Table 6: Number and Cost of CNST Claims Closed (or settled with a periodical payment order) between financial years '2019/20' and '2023/24' with a damages payment, where the Specialty is 'Anaesthesia'. 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. Broken down by Year and Injury.

ClosedSettled scheme	Y
Claim_Outcome	CNST Damages Paid

Year of Closure (Settlement Year for PPOs) -- Injury	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Costs Paid	Total Paid
2019/20					
Injuries with less than 5 Claims	48	10,342,429	859,852	2,519,003	13,721,284
Psychiatric/Psychological Dmge	21	372,850	81,936	454,432	909,219
Unnecessary Pain	11	126,935	70,557	277,164	474,656
Adtnl/unnecessary Operation(s)	6	94,500	24,450	105,599	224,549
Bruising/ Extravasation	5	586,120	70,822	334,250	991,192
Nerve Damage	5	151,000	109,801	277,874	538,676
2020/21					
Injuries with less than 5 Claims	42	7,070,450	741,725	2,907,256	10,719,432
Psychiatric/Psychological Dmge	20	524,154	68,549	472,076	1,064,779
Unnecessary Pain	10	767,527	132,764	403,060	1,303,351
2021/22					
Injuries with less than 5 Claims	26	10,182,873	879,822	2,858,578	13,921,273
Psychiatric/Psychological Dmge	17	496,030	102,496	704,100	1,302,626
Unnecessary Pain	7	154,500	55,124	132,888	342,512
Fatality	5	515,569	40,729	262,750	819,048
Anaesthetic	5	251,688	27,402	239,485	518,575
Adtnl/unnecessary Operation(s)	5	229,503	21,764	148,000	399,267
2022/23					
Injuries with less than 5 Claims	31	8,657,016	902,902	2,898,748	12,458,666
Psychiatric/Psychological Dmge	15	168,250	59,339	337,250	564,839
Adtnl/unnecessary Operation(s)	7	75,365	39,728	226,150	341,243
Unnecessary Pain	7	131,912	110,607	213,700	456,219
Anaesthetic	5	166,500	14,838	121,000	302,338
Fatality	5	905,000	86,860	451,900	1,443,760
2023/24					
Injuries with less than 5 Claims	36	12,340,500	719,669	2,970,175	16,030,345
Unnecessary Pain	12	75,652	84,445	246,752	406,849
Psychiatric/Psychological Dmge	9	165,860	41,700	274,300	481,860
Fatality	5	578,333	99,550	333,275	1,011,158
Grand Total	365	55,130,516	5,447,433	20,169,766	80,747,715

Table 7: Number and Cost of CNST Claims Closed between financial years '2019/20' and '2023/24' with NIL damages paid where the Specialty is 'Anaesthesia'. The data includes the legal costs paid up until the end of each relevant financial year of closure. Broken down by Year and NHS Trust.

ClosedSettled	Y
scheme	CNST
Claim_Outcome	Nil Damages

Year of Closure -- Trust	No. of Claims	NHS Legal Costs Paid	Claimant Costs Paid
2019/20			
Trusts with less than 5 Claims	46	191,248	0
2020/21			
Trusts with less than 5 Claims	44	182,766	0
2021/22			
Trusts with less than 5 Claims	29	352,465	0
2022/23			
Trusts with less than 5 Claims	32	116,246	0
2023/24			
Trusts with less than 5 Claims	30	283,554	0
Grand Total	181	1,126,279	0

Table 8: Number and Cost of CNST Claims Closed between financial years '2019/20' and '2023/24' with NIL damages paid where the Specialty is 'Anaesthesia'. The data includes the legal costs paid up until the end of each relevant financial year of closure. Broken down by Year and Cause.

ClosedSettled scheme	Y
Claim_Outcome	CNST Nil Damages

Year of Closure -- Cause	No. of Claims	NHS Legal Costs Paid	Claimant Costs Paid
2019/20			
Causes with less than 5 Claims	35	146,194	0
Intra-Op Problems	6	27,357	0
Fail To Recog. Complication Of	5	17,697	0
2020/21			
Causes with less than 5 Claims	27	146,784	0
Intubation Problems	7	21,648	0
Fail To Warn-Informed Consent	5	6,300	0
Medication Errors	5	8,034	0
2021/22			
Causes with less than 5 Claims	24	246,419	0
Fail To Warn-Informed Consent	5	106,046	0
2022/23			
Causes with less than 5 Claims	22	63,852	0
Intubation Problems	5	10,198	0
Intra-Op Problems	5	42,197	0
2023/24			
Causes with less than 5 Claims	30	283,554	0
Grand Total	181	1,126,279	0

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ClosedSettled	Y
scheme	CNST
Claim_Outcome	Nil Damages

Year of Closure			
-- Injury	No. of Claims	NHS Legal Costs Paid	Claimant Costs Paid
2019/20			
Injuries with less than 5 Claims	25	123,083	0
Unnecessary Pain	11	47,296	0
Other	5	5,584	0
Fatality	5	15,284	0
2020/21			
Injuries with less than 5 Claims	35	159,424	0
Unnecessary Pain	9	23,343	0
2021/22			
Injuries with less than 5 Claims	17	236,174	0
Nerve Damage	7	106,907	0
Unnecessary Pain	5	9,384	0
2022/23			
Injuries with less than 5 Claims	22	102,916	0
Dental Damage	5	4,620	0
Unnecessary Pain	5	8,710	0
2023/24			
Injuries with less than 5 Claims	25	277,414	0
Unnecessary Pain	5	6,140	0
Grand Total	181	1,126,279	0