



Resolution

8th Floor,
10 South Colonnade
Canary Wharf
London
E14 4PU
Telephone: 020 7811 2700

March 2025

FOI_7023

The following information was requested on 4 February 2025:

1) How much money has been paid out in medical negligence pay-outs by the NHS Maidstone and Tonbridge Wells Trust? I would like the figures for the following financial years: 2020/21, 2021/22, 2022/23, 2023/24

This includes payments to both patients and relatives of patients.

The information also relates to the year that the compensation payments were paid out, and the year that other costs were paid – regardless of whether the claim was submitted or related to an incident at an earlier time.

If possible, please include a breakdown of which department the pay-out was related to i.e.) maternity or Accident and Emergency and a general description of what the claim related to.

2) How many medical negligence pay-outs have been made by NHS Maidstone and Tonbridge Wells Trust? I would like the figures for the following financial years: 2020/21, 2021/22, 2022/23, 2023/24

This includes payments to both patients and relatives of patients.

The information also relates to the year that the compensation payments were paid out, and the year that other costs were paid – regardless of whether the claim was submitted or related to an incident at an earlier time.

If possible, please include a breakdown of which department the pay-out was related to i.e.) maternity or Accident and Emergency and a general description of what the claim related to.

As an example, if 21 negligence claims were made to the Maternity and Childbirth department, in 2022/23 totalling £11,000,000, is the information I am seeking for each and all departments for the time periods specified. I am happy to receive the information in PDF. Word, Excel format, whichever is the easiest.

Our Response

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

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 claims managed under our Clinical Negligence Scheme for Trusts (CNST) for Maidstone & Tunbridge Wells NHS Trust. For details about the schemes we operate, please refer to our website here: [Claims Management - NHS Resolution](#)

Please find attached the following tables:

Table 1 shows: - Number and Cost of CNST Claims Closed (or settled with a periodical payment order) between financial years '2020/21' and '2023/24' with a damages payment for **Maidstone & Tunbridge Wells NHS 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. Broken down by year and specialty.

Table 2 shows: - Number and Cost of CNST Claims Closed (or settled with a periodical payment order) between financial years '2020/21' and '2023/24' with a damages payment for **Maidstone & Tunbridge Wells NHS 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. Broken down by Primary Cause.

Table 3 shows: - Number and Cost of CNST Claims Closed (or settled with a periodical payment order) between financial years '2020/21' and '2023/24' with a damages payment for **Maidstone & Tunbridge Wells NHS 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. Broken down by Primary Injury.

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/>

TABLE OF CONTENTS

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 and Cost of CNST Claims Closed (or settled with a periodical payment order) between financial years '2020/21' and '2023/24' with a damages payment for Maidstone & Tunbridge Wells NHS 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. Broken down by year and specialty.

Table 2: Number and Cost of CNST Claims Closed (or settled with a periodical payment order) between financial years '2020/21' and '2023/24' with a damages payment for Maidstone & Tunbridge Wells NHS 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. Broken down by Primary Cause.

Table 3: Number and Cost of CNST Claims Closed (or settled with a periodical payment order) between financial years '2020/21' and '2023/24' with a damages payment for Maidstone & Tunbridge Wells NHS 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. Broken down by Primary Injury.

Table 1: Number and Cost of CNST Claims Closed (or settled with a periodical payment order) between financial years '2020/21' and '2023/24' with a damages payment for Maidstone & Tunbridge Wells NHS 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. Broken down by year and specialty.

Specialty	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2020/21	58	8,613,809	947,082	2,357,821	11,918,712
Gastroenterology	10	839,284	353,819	526,229	1,719,332
Orthopaedic Surgery	7	267,613	73,578	273,250	614,440
Emergency Medicine	7	174,500	24,231	113,929	312,660
General Surgery	6	1,275,200	137,827	450,133	1,863,160
Obstetrics	5	4,732,875	182,011	209,029	5,123,916
General Medicine	#	#	#	#	#
Surgical Speciality - Other	#	#	#	#	#
Physiotherapy	#	#	#	#	#
Rheumatology	#	#	#	#	#
Ophthalmology	#	#	#	#	#
Gynaecology	#	#	#	#	#
Oncology	#	#	#	#	#
Otorhinolaryngology/ ENT	#	#	#	#	#
Urology	#	#	#	#	#
Haematology	#	#	#	#	#
Cardiology	#	#	#	#	#
Vascular Surgery	#	#	#	#	#
Respiratory Medicine/ Thoracic Medic	#	#	#	#	#
Histopathology	#	#	#	#	#
2021/22	49	16,133,061	1,191,147	3,600,710	20,924,918
Orthopaedic Surgery	9	349,854	61,869	313,150	724,873
Obstetrics	9	11,847,492	461,707	1,011,875	13,321,074
Emergency Medicine	6	1,020,990	192,492	648,500	1,861,982
Ophthalmology	#	#	#	#	#
General Medicine	#	#	#	#	#
General Surgery	#	#	#	#	#
Urology	#	#	#	#	#
Surgical Speciality - Other	#	#	#	#	#
Neurology	#	#	#	#	#
Oncology	#	#	#	#	#
Histopathology	#	#	#	#	#
Gastroenterology	#	#	#	#	#
Miscellaneous	#	#	#	#	#
Paediatrics	#	#	#	#	#
Radiotherapy	#	#	#	#	#
2022/23	30	5,754,004	533,495	2,266,500	8,553,999
Obstetrics	5	3,143,178	215,009	773,500	4,131,687
Emergency Medicine	5	348,846	70,201	326,000	745,047
General Surgery	#	#	#	#	#
Orthopaedic Surgery	#	#	#	#	#
General Medicine	#	#	#	#	#
Geriatric Medicine	#	#	#	#	#
Urology	#	#	#	#	#
Endocrinology	#	#	#	#	#
Ophthalmology	#	#	#	#	#
Anaesthesia	#	#	#	#	#
Otorhinolaryngology/ ENT	#	#	#	#	#
District Nursing	#	#	#	#	#
Vascular Surgery	#	#	#	#	#
Oncology	#	#	#	#	#
Gynaecology	#	#	#	#	#
2023/24	32	13,828,030	893,153	2,583,967	17,305,150
Emergency Medicine	8	560,227	142,573	568,000	1,270,800
Obstetrics	5	6,097,282	314,638	611,880	7,023,800
Geriatric Medicine	#	#	#	#	#
Orthopaedic Surgery	#	#	#	#	#

Table 1: Number and Cost of CNST Claims Closed (or settled with a periodical payment order) between financial years '2020/21' and '2023/24' with a damages payment for Maidstone & Tunbridge Wells NHS 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. Broken down by year and specialty.

Specialty	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Ophthalmology	#	#	#	#	#
Surgical Speciality - Other	#	#	#	#	#
Otorhinolaryngology/ ENT	#	#	#	#	#
Vascular Surgery	#	#	#	#	#
General Medicine	#	#	#	#	#
Gynaecology	#	#	#	#	#
Other	#	#	#	#	#
Microbiology/ Virology	#	#	#	#	#
Paediatrics	#	#	#	#	#
Neurology	#	#	#	#	#
Urology	#	#	#	#	#
Cardiology	#	#	#	#	#
Gastroenterology	#	#	#	#	#
Oncology	#	#	#	#	#
Grand Total	169	44,328,904	3,564,877	10,808,998	58,702,778

Table 2: Number and Cost of CNST Claims Closed (or settled with a periodical payment order) between financial years '2020/21' and '2023/24' with a damages payment for Maidstone & Tunbridge Wells NHS 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. Broken down by Primary Cause.

Primary Cause	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Fail / Delay Treatment	38	8,578,678	675,254	2,361,391	11,615,323
Failure/Delay Diagnosis	25	1,656,502	302,606	1,128,794	3,087,902
Inadequate Nursing Care	12	489,676	67,857	394,500	952,033
Intra-Op Problems	8	564,337	90,594	333,500	988,431
Fail To Recog. Complication Of	8	5,562,146	400,606	626,346	6,589,098
Delay In Performing Operation	7	294,527	57,910	296,500	648,937
Failure To Interpret X-Ray	6	101,500	16,356	72,100	189,956
Failure To Perform Operation	5	270,581	34,870	143,633	449,084
Perform. Of Op. Not Indicated	5	151,000	122,069	266,687	539,756
Fail To Follow-Up Arrangements	5	700,901	91,542	256,000	1,048,444
Fail To Warn-Informed Consent	5	416,315	39,104	202,500	657,919
Operator Error	5	1,523,541	116,182	464,500	2,104,223
Inappropriate Treatment	#	#	#	#	#
Fail To Act On Abnorm Test Res	#	#	#	#	#
Lack Of Assistance/Care	#	#	#	#	#
Failure To Perform Tests	#	#	#	#	#
Fail To Infrm Test Rslts	#	#	#	#	#
Foreign Body Left In Situ	#	#	#	#	#
Fail To Supervise	#	#	#	#	#
Fail To Diag Pre-Eclampsia	#	#	#	#	#
Err With Agnt/Dose/Route/Selec	#	#	#	#	#
Medication Errors	#	#	#	#	#
Bacterial Infection	#	#	#	#	#
Fail To Monitor 1st Stg Labour	#	#	#	#	#
Equipment Malfunction	#	#	#	#	#
Fail Mon Dose/rate Syntocinon	#	#	#	#	#
Fail/Delay Admitting To Hosp.	#	#	#	#	#
Application Of Excess Force	#	#	#	#	#
Fail To Carry Out PO Observs.	#	#	#	#	#
Inapp Use Of Forceps/Ventouse	#	#	#	#	#
Failure To X-Ray	#	#	#	#	#
Lack Of Pre-Op Evaluation	#	#	#	#	#
Grand Total	169	44,328,904	3,564,877	10,808,998	58,702,778

Table 3: Number and Cost of CNST Claims Closed (or settled with a periodical payment order) between financial years '2020/21' and '2023/24' with a damages payment for Maidstone & Tunbridge Wells NHS 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. Broken down by Primary Injury.

Primary Injury	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Fatality	24	4,331,433	667,532	1,898,433	6,897,398
Unnecessary Pain	18	1,622,766	314,163	815,500	2,752,428
Fracture	14	528,817	75,856	490,080	1,094,753
Adtnl/unnecessary Operation(s)	13	275,107	45,540	303,500	624,147
Pressure Sores	8	257,583	40,069	281,050	578,702
Other Visual Problems	6	203,678	68,256	190,125	462,059
Bowel Damage/ Dysfunction	5	312,500	72,174	166,125	550,799
Nerve Damage	5	484,577	164,576	304,500	953,653
Poor Outcome - Fractures Etc.	5	145,113	42,799	164,000	351,912
Amputation - Lower	5	858,528	181,313	677,000	1,716,841
Perforation	5	1,008,700	106,215	351,633	1,466,548
Stillborn	#	#	#	#	#
Psychiatric/Psychological Dmge	#	#	#	#	#
Cerebral Palsy	#	#	#	#	#
Blindness	#	#	#	#	#
Stroke	#	#	#	#	#
Tendon Damage	#	#	#	#	#
Thrombosis/Embolism	#	#	#	#	#
Incontinence	#	#	#	#	#
Bladder Damage	#	#	#	#	#
Brain Damage	#	#	#	#	#
Joint Damage	#	#	#	#	#
Removal Of Testicle	#	#	#	#	#
Removal Of Fallopian Tube	#	#	#	#	#
Cancer	#	#	#	#	#
Other Infection	#	#	#	#	#
Advanced Stage Cancer	#	#	#	#	#
Rupture	#	#	#	#	#
Infertility	#	#	#	#	#
Bruising/ Extravasation	#	#	#	#	#
Deafness	#	#	#	#	#
Learning Difficulties	#	#	#	#	#
Dislocation	#	#	#	#	#
Spinal Damage	#	#	#	#	#
Arterial Damage	#	#	#	#	#
Infection (bacterial)	#	#	#	#	#
Malignant Tumour	#	#	#	#	#
Multiple Injuries	#	#	#	#	#
Anaphylact Shock/Allergic Shock/allergy	#	#	#	#	#
Compartment Syndrome	#	#	#	#	#
Other	#	#	#	#	#
Grand Total	169	44,328,904	3,564,877	10,808,998	58,702,778