



Resolution

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Telephone: 020 7811 2700

May 2025

FOI_7204

The following information was requested on 7 May 2025 and clarified on 8 May 2025:

[You requested on 7 May 2025]

Under the Freedom of Information Act would it please be possible to tell me:

1. How many medical negligence claims have been settled, between 2019 and 2024, relating to errors involving medication by each of the following health trusts:

- *Dartford and Gravesham NHS Trust*
- *East Kent Hospitals University NHS Foundation Trust*
- *Kent Community Health NHS Foundation Trust*
- *Kent and Medway NHS and Social Care Partnership*
- *Maidstone and Tunbridge Wells NHS Trust*
- *Medway NHS Foundation Trust*
- *South East Coast Ambulance NHS Foundation Trust*

(This may include, as defined by the NHS, the prescribing / dispensing / administering / monitoring or the provision of advice on medicines).

2. Of those cases settled in the last five years can you tell me the total amount of compensation paid by each health trust as well as the total cost of the Trust's legal fees and those of claimants.

3. In cases of medication errors, where cases have been settled between 2019 and 2024, can you please tell me a person's primary injury and the reason for their medical negligence complaint. For example:

- *Unnecessary pain*
- *Death*
- *Psychiatric/psychological damage*
- *Thrombosis/Embolism*
- *Stroke*
- *Anaphylactic shock or allergic reaction*
- *Cardiac arrest*
- *Additional/unnecessary operations*
- *Other*

[We sought clarification on 7 May 2025]

Thank you for your request to NHS Resolution. Before we can respond, we will need to clarify what information we are able to provide.

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 think that the following Cause codes may be of interest to you, in addition to Medication errors:

- *Err with Agnt/Dose/Route/Selec*
- *Incorrect injection site*
- *IntravAdminMisselecConcentrPotassChlor*
- *Wrong route Admin of Chemo*

Would you be interested in the data for the above cause codes?

We are able to answer Q2 and Q3.

We can provide information in financial years up to 2023/24.

Your request will be put on hold until we receive the clarification requested above and we look forward to hearing from you.

[You replied on 8 May 2025 with]

Thanks so much for your email.

In addition to medication errors, I would gladly accept the other Cause Codes you have suggested.

Is there anywhere on the NHS Resolution website that would explain those cause codes in more detail to a layman like me and our readers?

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.

The data covers our clinical negligence scheme. For more information about our clinical negligence scheme please visit our website here: [Clinical schemes - NHS Resolution](#)

Table 1 shows: - Number and Cost of CNST Claims Closed for Dartford and Gravesham NHS Trust; East Kent Hospitals University NHS Foundation Trust; Kent Community Health NHS Foundation Trust; Kent and Medway NHS and Social Care Partnership; Maidstone and Tunbridge Wells NHS Trust; Medway NHS Foundation Trust; South East Coast Ambulance NHS Foundation Trust between financial years 2019/20 and 2023/24 with a damages payment, where the Primary Cause is 'Medication Errors' or 'Err with Agnt/Dose/Route/Selec' or 'Incorrect injection site' or 'IntravAdminMisselecConcentrPotassChlor' or 'Wrong route Admin of Chemotherapy'*. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

*The long form version of the cause codes are:

- Error with Agent/Dose/Route Selection
- Intravenous Administration Mis-selection of Concentrated Potassium Chloride
- Wrong Administration route of chemotherapy

These codes relate to errors in the dose or strength of medication, the way the medication is administered into the body and selecting the wrong type of medicine, which may or may not have a similar name (such as with potassium).

Table 2 shows: - Number and Cost of CNST Claims Closed for Dartford and Gravesham NHS Trust; East Kent Hospitals University NHS Foundation Trust; Kent Community Health NHS Foundation Trust; Kent and Medway NHS and Social Care Partnership; Maidstone and Tunbridge Wells NHS Trust; Medway NHS Foundation Trust; South East Coast Ambulance NHS Foundation Trust between financial years 2019/20 and 2023/24 with a damages payment, where the Primary Cause is 'Medication Errors' or 'Err with Agnt/Dose/Route/Selec' or 'Incorrect injection site' or 'IntravAdminMisselecConcentrPotassChlor' or 'Wrong route Admin of Chemotherapy'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure. Broken down by Trust.

Table 3 shows: - Number and Cost of CNST Claims Closed for Dartford and Gravesham NHS Trust; East Kent Hospitals University NHS Foundation Trust; Kent Community Health NHS Foundation Trust; Kent and Medway NHS and Social Care Partnership; Maidstone and Tunbridge Wells NHS Trust; Medway NHS Foundation Trust; South East Coast Ambulance NHS Foundation Trust between financial years

2019/20 and 2023/24 with a damages payment, where the Primary Cause is 'Medication Errors' or 'Err with Agnt/Dose/Route/Selec' or 'Incorrect injection site' or 'IntravAdminMisselecConcentrPotassChlor' or 'Wrong route Admin of Chemotherapy'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure. Broken down by Primary Injury.

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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.

You may also be interested in our medication error analyses:

<https://resolution.nhs.uk/2023/03/30/learning-from-medication-errors/>

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 [Joanne Appleby](#), Deputy 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.

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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.

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ClosedSettled	Y
scheme	CNST
Claim_Outcome	Damages Paid

Year of Closure	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2019/20	5	130,915	36,352	110,050	277,317
2020/21	#	#	#	#	#
2021/22	#	#	#	#	#
2022/23	12	4,823,658	271,022	852,500	5,947,180
2023/24	9	1,172,593	93,203	386,000	1,651,796
Grand Total	33	6,413,281	463,567	1,636,100	8,512,949

Freedom of Information Request# 7204

Data correct as at: The end of every financial year

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ClosedSettled scheme	Y
Claim_Outcome	CNST Damages Paid

Latest Trust Name	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
East Kent Hospitals University NHS Foundation Trust	19	6,050,981	408,018	1,274,800	7,733,799
Medway NHS Foundation Trust	6	166,685	13,998	186,500	367,183
Maidstone and Tunbridge Wells NHS Trust	5	184,000	38,694	147,550	370,244
Dartford and Gravesham NHS Trust	#	#	#	#	#
South East Coast Ambulance NHS Foundation Trust	#	#	#	#	#
Grand Total	33	6,413,281	463,567	1,636,100	8,512,949

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.

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ClosedSettled scheme Claim_Outcome	Y CNST Damages Paid
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Primary Injury	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Unnecessary Pain	12	240,365	43,476	267,050	550,891
Renal Damage/ Failure	#	#	#	#	#
Anaphylact Shock/Allergic Shock/allergy	#	#	#	#	#
Fatality	#	#	#	#	#
Other Visual Problems	#	#	#	#	#
Respiratory Disorder/ Failure	#	#	#	#	#
Cardiac Arrest	#	#	#	#	#
Multiple Injuries	#	#	#	#	#
Psychiatric/Psychological Dmge	#	#	#	#	#
Stroke	#	#	#	#	#
Advanced Stage Cancer	#	#	#	#	#
Cardiovascular Condition	#	#	#	#	#
Grand Total	33	6,413,281	463,567	1,636,100	8,512,949

Freedom of Information Request# 7204

Data correct as at: The end of every financial year

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.



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ClosedSettled scheme	Y
Claim_Outcome	CNST Nil Damages

Year of Closure	No. of Claims	NHS Legal Costs Paid	Claimant Legal Costs Paid
2019/20	#	#	#
2020/21	#	#	#
2021/22	6	5,941	0
2022/23	#	#	#
2023/24	#	#	#
Grand Total	15	41,321	0

Freedom of Information Request# 7204

Data correct as at: The end of every financial year



Resolution

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.

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ClosedSettled scheme	Y
Claim_Outcome	CNST Nil Damages

Latest Trust Name	No. of Claims	NHS Legal Costs Paid	Claimant Legal Costs Paid
Maidstone and Tunbridge Wells NHS Trust	6	13,517	0
East Kent Hospitals University NHS Foundation Trust	#	#	#
Medway NHS Foundation Trust	#	#	#
South East Coast Ambulance NHS Foundation Trust	#	#	#
Grand Total	15	41,321	0

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.

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ClosedSettled scheme	Y
Claim_Outcome	CNST Nil Damages

Primary Injury	No. of Claims	NHS Legal Costs Paid	Claimant Legal Costs Paid
Cardiac Arrest	#	#	#
Cardiovascular Condition	#	#	#
Fatality	#	#	#
Hernia	#	#	#
Multiple Injuries	#	#	#
Nerve Damage	#	#	#
Poor Outcome - Fractures Etc.	#	#	#
Psychiatric/Psychological Dmge	#	#	#
Tissue Damage	#	#	#
Unnecessary Pain	#	#	#
Grand Total	15	41,321	0