NHS
Resolution

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July 2025
FOI_7304

The following information was requested on 3 July 2025 and clarified on 7 July 2025:

*[On 3 July 2025 you requested]*

*Please provide the following data relating to clinical negligence claims received by NHS Resolution between **1 January 1998 and 31 December 2024**, specifically concerning **antidepressant medication**, with a focus on **venlafaxine**:*

1. ***The number of clinical negligence claims** where venlafaxine (or its brand name, Effexor) or similar, was specifically cited in:*
    - *Alleged prescribing errors*
    - *Failure to monitor*
    - *Inadequate consent or failure to warn about known risks*
    - *Withdrawal-related harm*
2. *The **number of clinical negligence claims** involving any antidepressants (SSRIs, SNRIs, TCAs, MAOIs) that involved:*
    - *Long-term prescribing without review*
    - *Repeat prescribing without formal diagnosis*
    - *Adverse withdrawal effects following cessation*
3. *For each relevant claim, please provide **an anonymised summary** including:*
    - *Year the claim was received*
    - *Drug involved (if stated)*
    - *Alleged failing (e.g. failure to monitor, lack of informed consent)*
    - *Outcome (e.g. settled with damages, not upheld, ongoing)*
    - *Amount paid in damages (if applicable)*
4. *If available, please include any **internal reports or learning summaries** arising from repeated claims involving venlafaxine or antidepressants more broadly.*

*[On 4 July 2025 we sough clarification]*

*Thank you very much for reaching out to NHS Resolution with your request. Before we can proceed, I would like to clarify the information we can provide and what we hold in our records.*

*Firstly, please take a moment to 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). You will find three tabs in the spreadsheet.*
*We can provide information for claims involving Psychiatry and Community Mental services where the cause is a medication error. However, please note that we are unable to break down this data by the type of medication involved. Additionally, we can break down the information by cause and injury, notification year, and damages paid.*
*It's important to note that we can provide information for financial years dating back to 2006/07.*

*For your reference, you may also review our response to a similar request: FOI_5680_Antidepressants.pdf*

*Could you please confirm if you are interested in the information as outlined above? Your request will remain on hold until we receive the necessary clarification.*
*Thank you for your cooperation.*

*[On 4 July 2025 you replied with]*

*Thank you for your response to my previous FOI request (Ref: **7304**) regarding clinical negligence claims involving antidepressants and venlafaxine.*
*Following your clarification regarding the limitations of drug-specific searches, I would like to submit a **refined request** using the internal Cause and Injury codes referenced in your "Understanding NHS Resolution Data" guidance note.*
***Refined Request***
*Please provide data for clinical negligence claims received between **1 January 1998 and 31 December 2023** where:*
***Cause Codes include:***
- *Medication Error – Prescribing Error*
- *Medication Error – Monitoring Error*
- *Failure to Warn – Informed Consent*

***AND***
***Injury Codes include:***
- *Psychiatric / Psychological Damage*
- *Adverse Reaction to Drugs*
- *Fatality*

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***I would like the following data:***
1. ***Total number of claims per year** (1998–2023) matching the criteria above*
2. ***Breakdown of claims by clinical specialty**, specifically where the responsible service was **Mental Health** or **General Practice***
3. ***Number of claims settled with damages paid**, and the **total amount paid***
4. *If available, any **learning reports or aggregated summaries** related to these claims (excluding any personal data)*

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*Please let me know if this refined request falls within the FOIA time/cost limits, or if it requires further adjustment.*

*[On 7 July 2025 we replied with]*

*Thank you for your email. I've asked our wider team, and I can confirm that we do not have the codes for Medication Error – Prescribing Error", or "Medication Error – Monitoring Error". We just have the cause code "**Medication Error".***

*We do not have an injury code for "Adverse Reaction to Drugs".*

*Also, we do not have "Mental Health" as a Specialty – we have "**Community Mental Services**" and "**Psychiatry/Mental Health**".*

*To reiterate, we can provide data in financial years, not in calendar years from FY 2006/07 up to 2023/24.*

*Please, could you let us know if you are interested in data as set out above?*
*Your request will remain on hold until we receive the necessary clarification.*

*[On 7 July 2025 you replied with]*

*Thank you for your clarification.*

*Yes, I'd like to proceed with the request based on the codes you outlined. Please provide data for clinical negligence claims received between **FY 2006/07 and FY 2023/24** where:*

- ***Cause Code**: "Medication Error"*
- ***Specialties**: "Psychiatry/Mental Health" and "Community Mental Services"*
- ***Injury Codes**: Any codes relating to **psychological/psychiatric injury**, **fatality**, or **pain***

*Please include the following for each financial year:*

1. *The **number of claims** received*
2. *The **number of claims settled with damages paid***
3. *The **total amount paid in damages***

*I look forward to your response and appreciate your assistance.*

**Our Response**

Please note we only hold the claims data for the NHS in England and not the rest of the UK. 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.

The data provided covers our clinical negligence scheme. For more information about our clinical negligence scheme please visit our website here: Clinical schemes - NHS Resolution.

Please find attached the following tables:

**Table 1 shows**: - Number of Clinical Claims and Incidents received between financial years 2006/07 and 2023/24 where the Specialty is **'Psychiatry/Mental Health'** or **'Community Mental Health Services'**, the Primary Cause contains **'Medication Errors'** and any level of Injury contains 'Psychiatric Damage', 'Psychiatric/Psychological Damage'; 'Unnecessary Pain' or 'Fatality'.

**Table 2 shows**: - Number and Cost of Clinical Claims Closed between financial years 2006/07 and 2023/24 with a damages payment, where the Specialty is **'Psychiatry/Mental Health'** or **'Community Mental Health Services'**, the Primary Cause contains **'Medication Errors'** and any level of Injury contains 'Psychiatric Damage', 'Psychiatric/Psychological Damage'; 'Unnecessary Pain' or 'Fatality'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

**Low Numbers**
Please note we have supressed 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. Where we are in the territory of such small numbers in the attached, we have used a '#' symbol in the relevant field. You should still be able to see aggregate/total details for higher-level fields containing this data.

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 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/

**Freedom of Information Request# 7304**
**Data correct as at: The end of every financial year**

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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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**Table 1: Number of Clinical Claims and Incidents received between financial years 2006/07 and 2023/24 where the Specialty is 'Psychiatry/Mental Health' or 'Community Mental Health Services', the Primary Cause contains 'Medication Errors' and any level of Injury contains 'Psychiatric Damage', 'Psychiatric/Pyschological Dmge'; 'Unnecessary Pain' or 'Fatality'.**

| Notified | Y |
|---|---|

| Year of Notification | No. of Claims |
|---|---|
| 2006/07 | # |
| 2007/08 | 7 |
| 2008/09 | # |
| 2009/10 | 5 |
| 2010/11 | 10 |
| 2011/12 | 6 |
| 2012/13 | 9 |
| 2013/14 | 7 |
| 2014/15 | 15 |
| 2015/16 | 14 |
| 2016/17 | 10 |
| 2017/18 | 12 |
| 2018/19 | 6 |
| 2019/20 | 10 |
| 2020/21 | 7 |
| 2021/22 | 10 |
| 2022/23 | 9 |
| 2023/24 | 11 |
| **Grand Total** | **152** |

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**Table 2: Number and Cost of Clinical Claims Closed between financial years 2006/07 and 2023/24 with a damages payment, where the Specialty is 'Psychiatry/Mental Health' or 'Community Mental Health Services', the Primary Cause contains 'Medication Errors' and any level of Injury contains 'Psychiatric Damage', 'Psychiatric/Pyschological Dmge'; 'Unnecessary Pain' or 'Fatality'. 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 |

| Year of Closure | No. of Claims | Damages Paid | NHS Legal Costs Paid | Claimant Legal Costs Paid | Total Paid |
|---|---|---|---|---|---|
| 2006/07 | # | # | # | # | # |
| 2008/09 | # | # | # | # | # |
| 2009/10 | # | # | # | # | # |
| 2010/11 | # | # | # | # | # |
| 2011/12 | # | # | # | # | # |
| 2012/13 | 7 | 100,000 | 9,733 | 115,889 | 225,622 |
| 2013/14 | # | # | # | # | # |
| 2014/15 | # | # | # | # | # |
| 2015/16 | 6 | 138,016 | 7,937 | 79,200 | 225,153 |
| 2016/17 | 7 | 24,200 | 17,549 | 62,400 | 104,149 |
| 2017/18 | # | # | # | # | # |
| 2018/19 | 6 | 84,465 | 26,835 | 109,267 | 220,567 |
| 2019/20 | 7 | 851,150 | 83,142 | 1,170,150 | 2,104,442 |
| 2020/21 | 5 | 197,500 | 29,017 | 103,000 | 329,517 |
| 2021/22 | 6 | 168,261 | 34,303 | 226,500 | 429,064 |
| 2022/23 | 5 | 9,150 | 9,618 | 41,500 | 60,268 |
| 2023/24 | # | # | # | # | # |
| **Grand Total** | **79** | **4,486,782** | **559,632** | **3,138,242** | **8,184,656** |