NHS Resolution

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January 2026
FOI_7646

The following information was requested on 06 January 2026:

This request is a repeat request of *FOI_6930* with updated data*:*

Freedom of Information Act Request

1. *How many clinical negligence claims involving an injury code of (i) loss of sexual function, or (ii) impotence, were paid out by the NHSLA or NHS Resolution in the combined last three financial years? (22/23)(23/24) and (24/25)?*

What was the monetary value of payments made against those claims that were paid in those three combined financial years, regardless of when the incident took place or the claim was lodged?

2. *How many clinical negligence claims involving an injury code of (i) incontinence were paid out by the NHSLA or NHS Resolution in the last financial year (24/25)?*

What was the monetary value of payments made against those claims that were paid in that financial year, regardless of when the incident took place or the claim was lodged?
Please could the tables in this response be in the same format as a previous response to this question (Ref: FoI_6930).

Our Response

Please find attached the requested information. Please note we only hold information for England and not for the rest of the UK.

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 Guidance-note-Understanding-NHS-Resolution-data-updated

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.

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.

The data shows variation in numbers of claims 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.

Please find attached the requested information. The data covers our clinical scheme. For information about our Clinical Negligence Schemes, please visit our website here: [Clinical schemes - NHS Resolution].

Please find attached the following tables:

Table 1 shows: Number and Cost of Clinical Claims Closed between financial years **'2022/23'** and **'2024/25'** with a damages payment, where the Primary Injury is **'Loss of Sexual Function' or 'Impotence'**. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure. Broken down by **Year Closed** and **Primary Injury**.

Table 2 shows: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) during the **'2024/25'** financial year with a damages payment, where the Primary Injury is **'Incontinence'**. 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 Closed**.

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 supressed low figures (and high figures that would make it possible to work out low numbers) and Trusts with fewer than 5 claims 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 2000, 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.

Please refer to Understanding NHS Resolution data guidance for further details on how our Claims database is categorised.

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.

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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Table 1: Number and Cost of Clinical Claims Closed between financial years '2022/23' and '2024/25' with a damages payment, where the Primary Injury is 'Loss of Sexual Function' or 'Impotence'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure. Broken down by Year Closed and Primary Injury.

ClosedSettled	Y
ClaimOutcome	Damages Paid

Year of Closure --Primary Injury	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2022/23					
Loss Of Sexual Function	11	2,844,012	232,685	948,469	4,025,166
Impotence	#	#	#	#	#
2023/24					
Loss Of Sexual Function	13	2,319,853	142,552	910,143	3,372,548
Impotence	#	#	#	#	#
2024/25					
Loss Of Sexual Function	7	913,256	132,276	551,667	1,597,199
Impotence	#	#	#	#	#
Grand Total	**35**	**8,680,173**	**586,472**	**2,651,779**	**11,918,424**

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Table 2: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) during the '2024/25' financial year with a damages payment, where the Primary Injury is 'Incontinence'. 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 Closed.

ClosedSettled	Y
ClaimOutcome	Damages Paid
Injury1L1	Incontinence

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2024/25	45	18,744,770	1,542,613	5,461,292	25,748,675
Grand Total	**45**	**18,744,770**	**1,542,613**	**5,461,292**	**25,748,675**

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