



Resolution

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February 2026
FOI_7694

The following information was requested on 29 January 2026:

I am emailing to request the following information under the Freedom of Information Act 2000.

I am requesting, for clinical negligence claims recorded under the cause code 'Failed Sterilisation' that have been closed since financial year 2021/22:

- a) Total number of claims resulting in damages payments*
 - b) Total damages paid*
 - c) Total legal costs (claimant and defendant combined)*
- Please break down by financial year of closure.*

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.

The data provided covers our Clinical schemes. For 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 and Cost of Clinical Claims Closed between financial years '2020/21' and '2024/25' with a damages payment, where the Primary Cause is '**Failed Sterilisation**'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

Table 2 shows: Number and Cost of Clinical Claims Closed between financial years '2020/21' and '2024/25' with **NIL** damages paid where the Primary Cause is '**Failed Sterilisation**'.

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 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.

Table 1: Number and Cost of Clinical Claims Closed between financial years '2020/21' and '2024/25' with a damages payment, where the Primary Cause is 'Failed Sterilisation'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

Table 2: Number and Cost of Clinical Claims Closed between financial years '2020/21' and '2024/25' with NIL damages paid where the Primary Cause is 'Failed Sterilisation'.

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ClosedSettled	Y
ClaimOutcome	Damages Paid

Year of Closure	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2020/21	15	335,703	42,674	335,742	714,119
2021/22	8	1,795,165	209,335	687,494	2,691,994
2022/23	#	#	#	#	#
2023/24	8	124,432	19,061	148,441	291,934
2024/25	#	#	#	#	#
Grand Total	38	3,333,133	390,301	1,468,177	5,191,611

Table 2: Number and Cost of Clinical Claims Closed between financial years '2020/21' and '2024/25' with NIL damages paid where the Primary Cause is 'Failed Sterilisation'.

ClosedSettled	Y
ClaimOutcome	Nil Damages

Year of Closure	No. of Claims	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2020/21	#	#	#	#
2021/22	#	#	#	#
2022/23	#	#	#	#
2023/24	#	#	#	#
2024/25	#	#	#	#
Grand Total	8	12,953	0	12,953