



Resolution

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January 2019
FOI_3428

The following information was requested on 30 July 2018:

- 1. For the last financial year 2017/18 please state how many claims were paid out in that year and what was the total value of those claims paid out in that year where either the first or second recorded 'cause' logged for the claim was 'inadequate nursing care'? Note: I require the data relating to the number of payouts and the value of the payouts made in the year, regardless of when the claim was actually lodged.*
- 2. In relation to the claims paid out under Question 1 please provide me with a breakdown of the numbers that were logged under each type of injury claim?*
- 3. In relation to the claims paid out in Question 1 and all similar claims paid out in the 2016/17 financial year, which 5 Trusts had the highest value of claim payments made against them. Please name the Trust, the total value of these paid claims that were paid out in these two financial years and the number of these paid claims in the two financial years for each of these five trusts.*

Our Response

Please find attached the requested information. Claims recorded against the Department of Health and Social Care (showing as Department of Health) are liabilities arising from defunct NHS organisations which transferred to the Secretary of State for Health and Social Care when those organisations were abolished.

We have not included the value of future payments likely to fall due in future years for claims settled in 2017/18 where a periodical payment order was made.

Please note we have suppressed low figures and we are unable to provide you with information about individual cases as we believe that disclosure of information with this level of granularity is exempt under Section 40(2) by virtue of section 40(3) (a) (i) 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.

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.

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](#), Head of Corporate and Information Governance 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

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*1. For the last financial year 2017/18 please state how many claims were paid out in that year and what was the total value of those claims paid out in that year where either the first or second recorded `cause' logged for the claim was `inadequate nursing care'?
Note: I require the data relating to the number of payouts and the value of the payouts made in the year, regardless of when the claim was actually lodged.*

2. In relation to the claims paid out under Question 1 please provide me with a breakdown of the numbers that were logged under each type of injury claim?

3. In relation to the claims paid out in Question 1 and all similar claims paid out in the 2016/17 financial year, which 5 Trusts had the highest value of claim payments made against them. Please name the Trust, the total value of these paid claims that were paid out in these two financial years and the number of these paid claims in the two financial years for each of these five trusts.

[Table 1: Number and Cost of Claims for "Inadequate nursing care" Closed/Settled with damages paid in financial years 2016/17 and 2017/18.](#)

[Table 2: Analysis of Primary Injuries for Claims in relation to "Inadequate nursing care" Closed/Settled with damages paid in financial years 2016/17 and 2017/18.](#)

[Table 3: Top 5 Trusts \(claim value\) for Claims in relation to "Inadequate nursing care" Closed/Settled with damages paid in financial years 2016/17 and 2017/18.](#)

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Table 1: Number and Cost of Claims for "Inadequate nursing care" Closed/Settled with damages paid in financial years 2016/17 and 2017/18.

Closed_Settled	Y
Clinical_NonClinical	Clinical
Concatenated CauseL1	(All)
Claim_Outcome	Damages Paid

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages_Paid
2016/17	503	29,595,285
2017/18	524	24,178,255
Grand Total	1,027	53,773,540

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Table 2: Analysis of Primary Injuries for Claims in relation to "Inadequate nursing care" Closed/Settled with damages paid in financial years 2016/17 and 2017/18.

Closed_Settled	Y
Clinical_NonClinical	Clinical
Claim_Outcome	Damages Paid

No. of Claims Primary Injury Types	Year of Closure/Settlement Year for PPOs	
	2016/17	2017/18
Pressure Sores	148	183
Fracture	108	101
Fatality	64	72
Unnecessary Pain	61	63
Tissue Damage	11	8
Bruising/ Extravasation	13	6
Adtnl/unnecessary Operation(s)	8	10
Brain Damage	13	#
Scarring	10	6
Psychiatric/Psychological Dmge	8	6
Other Infection	9	5
Burn(s)	8	5
Other	#	8
Amputation - Lower	#	7
Bladder Damage	#	5
Stroke	#	#
Cardiac Arrest	#	#
Nerve Damage	#	#
Multiple Injuries	#	#
Dental Damage	#	#
Dislocation	#	#
Spinal Damage	#	#
Foot Drop	#	
Thrombosis/Embolism	#	#
Poor Outcome - Fractures Etc.	#	#
Bowel Damage/ Dysfunction	#	#
Respiratory Disorder/ Failure	#	
Cerebral Palsy	#	
Other Visual Problems	#	
Hospital Acquired Infection	#	#
Tendon Damage		#
Renal Damage/ Failure	#	
Cosmetic Disfigurement	#	#
Joint Damage	#	#
Aneurysm	#	

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Table 2: Analysis of Primary Injuries for Claims in relation to "Inadequate nursing care" Closed/Settled with damages paid in financial years 2016/17 and 2017/18.

Closed_Settled	Y
Clinical_NonClinical	Clinical
Claim_Outcome	Damages Paid

No. of Claims	Year of Closure/Settlement	
	Year for PPOs	
Malnutrition	#	
Incontinence		#
Multiple Disabilities		#
Rupture		#
Anaphylact Shock/Allergic Shock/allergy		#
Scalp Damage	#	
Paraplegia		#
Bodily Harm/Murder		#
Not Specified	#	
Perforation	#	
Amputation - Upper	#	
Limb Deformity	#	
Grand Total	503	524

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Table 3: Top 5 Trusts (claim value) for Claims in relation to "Inadequate nursing care" Closed/Settled with damages paid in financial years 2016/17 and 2017/18.

Closed_Settled	Y
Clinical_NonClinical	Clinical
Claim_Outcome	Damages Paid

Year of Closure (Settlement Year for PPOs)		
----- Trust Name	No. of Claims	Damages_Paid
2016/17	34	15,408,682
Department of Health	11	4,465,570
United Lincolnshire Hospitals NHS Trust	9	4,213,009
Newcastle Upon Tyne Hospitals NHS Foundation Trust (The)	6	2,941,404
#	#	#
#	#	#
2017/18	30	12,591,742
University Hospitals Birmingham NHS Foundation Trust	9	1,046,376
Wrightington, Wigan and Leigh NHS Foundation Trust	6	6,445,296
Bolton Hospitals NHS Foundation Trust	5	1,200,566
Brighton & Sussex University Hospitals NHS Trust	5	617,000
Oxford University Hospitals NHS Foundation Trust	5	3,282,505
Grand Total	64	28,000,424