



## Resolution

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151 Buckingham Palace Road  
London  
SW1W 9SZ  
**Telephone:** 020 7811 2700

August 2019  
FOI\_3834

The following information was requested on 28 June 2019:

*(1) Please can you give me levels of payout in BSMHFT (Birmingham and Solihull Mental Health NHS) in cases or claims of death of service users, by year, for up to 10 years past?*

*(2) To help your FOI obligation to questioner, and if your office thinks there are different levels or degrees of death circumstances of negligent/culpable/accidental etc (i.e Not natural causes), please give your classification, and commensurate payouts in £s /by class.*

*(3) Please give figures for longest period where data are available within 10 yrs AND to allow useful response within FOI cost limit, please provide data for as many years as you can up to max 10 years working backwards from latest figures, within your obligation.*

*(4) Please state why you refuse the request if you deem that to be the outcome.*

### **Our Response**

Please find attached the requested information. Please note no damages were paid out in, 2008/09, 2010/11 & 2013/14.

We have suppressed low numbers 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 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. 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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**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 Claims Closed/Settled with damages paid in the last 10 years for death of service users at Birmingham and Solihull Mental Health NHS](#)

[Table 2: Analysis of Primary Causes for Claims Closed/Settled with damages paid in the last 10 years for death of service users at Birmingham and Solihull Mental Health NHS](#)

**Table 1: Number and Cost of Claims Closed/Settled with damages paid in the last 10 years for death of service users at Birmingham and Solihull Mental Health NHS**

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)	No_of_Claims	Damages Paid	Defence Costs Paid	Claimant Costs Paid	Total Paid
2009/10	#	#	#	#	#
2011/12	#	#	#	#	#
2012/13	#	#	#	#	#
2014/15	#	#	#	#	#
2015/16	#	#	#	#	#
2016/17	6	357,500	56,862	322,749	737,110
2017/18	#	#	#	#	#
<b>Grand Total</b>	<b>19</b>	<b>1,402,998</b>	<b>149,512</b>	<b>1,035,982</b>	<b>2,588,492</b>

**Table 2: Analysis of Primary Causes for Claims Closed/Settled with damages paid in the last 10 years for death of service users at Birmingham and Solihull Mental Health NHS**

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs) ----- Primary Causes	No_of_Claims	Damages Paid	Defence Costs Paid	Claimant Costs Paid	Total Paid
<b>2009/10</b>	#	#	#	#	#
Fail / Delay Treatment	#	#	#	#	#
Burns/Scalds	#	#	#	#	#
<b>2011/12</b>	#	#	#	#	#
Inappropriate Treatment	#	#	#	#	#
<b>2012/13</b>	#	#	#	#	#
Fail / Delay Treatment	#	#	#	#	#
Fail To Supervise	#	#	#	#	#
<b>2014/15</b>	#	#	#	#	#
Fail / Delay Treatment	#	#	#	#	#
Failure/Delay Diagnosis	#	#	#	#	#
Inappropriate Discharge	#	#	#	#	#
Self Harm	#	#	#	#	#
<b>2015/16</b>	#	#	#	#	#
Inappropriate Treatment	#	#	#	#	#
Unexpected Death	#	#	#	#	#
Self Harm	#	#	#	#	#
<b>2016/17</b>	<b>6</b>	<b>357,500</b>	<b>56,862</b>	<b>322,749</b>	<b>737,110</b>
Fail To Supervise	#	#	#	#	#
Inadequate Nursing Care	#	#	#	#	#
Unexpected Death	#	#	#	#	#
<b>2017/18</b>	#	#	#	#	#
Inadequate Nursing Care	#	#	#	#	#
<b>Grand Total</b>	<b>19</b>	<b>1,402,998</b>	<b>149,512</b>	<b>1,035,982</b>	<b>2,588,492</b>