



Resolution

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December 2019
FOI_4118

The following information was requested on 21 November 2019:

This question relates to all settlements that have been made by the NHSLA and NHS Resolution where the settlement figure of compensation was equal to or in excess of £5million, or the total budgeted payment was estimated to be equal to or in excess of £5million (this is for a staged payment where the initial payment may be less than £5m but over the life of the claim you have budgeted to pay out more than £5m).

For each settlement please provide the trust name, damages paid and/or total damages budgeted to be paid, injury and speciality.

Please could this data be provided for the last ten years so starting with the 2009/10 financial year up to and including the 2018/19 financial year.

NOTE: These questions relate to when the claim was paid or closed, not when the claim was lodged or when the incident took place.

Our Response

Please find attached the requested information.

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(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 between financial years 2009/10 and 2018/19 where the aggregate of Damages Paid and Damages Reserves is greater or equal to £5,000,000](#)

[Table 2: Analysis of Hospital Trusts for Claims Closed/Settled with damages paid between financial years 2009/10 and 2018/19 where the aggregate of Damages Paid and Damages Reserves is greater or equal to £5,000,000 where the number of claims is 5 or greater](#)

[Table 3: Analysis of Primary Injuries for Claims Closed/Settled with damages paid between financial years 2009/10 and 2018/19 where the aggregate of Damages Paid and Damages Reserves is greater or equal to £5,000,000 where the number of claims is 5 or greater](#)

[Table 4: Analysis of Specialties for Claims Closed/Settled with damages paid between financial years 2009/10 and 2018/19 where the aggregate of Damages Paid and Damages Reserves is greater or equal to £5,000,000 where the number of claims is 5 or greater](#)

Table 1: Number and Cost of Claims Closed/Settled with damages paid between financial years 2009/10 and 2018/19 where the aggregate of Damages Paid and Damages Reserves is greater or equal to £5,000,000

Year of Closure (Settlement Year for PPOs)	No. of Claims	Total Damages
2009/10	42	257,791,033
2010/11	48	338,284,078
2011/12	84	611,122,011
2012/13	69	486,476,025
2013/14	81	562,564,234
2014/15	71	501,993,165
2015/16	82	630,603,112
2016/17	90	759,637,866
2017/18	137	1,740,175,561
2018/19	168	2,218,858,428
Grand Total	872	8,107,505,512

Table 2: Analysis of Hospital Trusts for Claims Closed/Settled with damages paid between financial years 2009/10 and 2018/19 where the aggregate of Damages Paid and Damages Reserves is greater or equal to £5,000,000 where the number of claims is 5 or greater

Year of Closure (Settlement Year for PPOs)	No. of Claims	Total Damages
2009/10		
Department of Health	13	78,499,826
2010/11		
Department of Health	10	62,881,086
2011/12		
Department of Health	16	113,001,329
2012/13		
Department of Health	10	68,225,089
2014/15		
Department of Health	10	75,106,901
2016/17		
Department of Health	7	68,537,239
2017/18		
Department of Health	7	82,821,129
Manchester University NHS Foundation Trust	5	50,308,560
2018/19		
Barking, Havering and Redbridge University Hospitals NHS Trust	6	70,342,186
Barts Health NHS Trust	7	135,761,993
Department of Health	9	106,869,197
Nottingham University Hospitals NHS Trust	8	139,484,477
Oxford University Hospitals NHS Foundation Trust	5	45,341,146
University Hospitals of Derby and Burton NHS Foundation Trust	5	66,825,627

Table 3: Analysis of Primary Injuries for Claims Closed/Settled with damages paid between financial years 2009/10 and 2018/19 where the aggregate of Damages Paid and Damages Reserves is greater or equal to £5,000,000 where the number of claims is 5 or greater

Closed_Settled	Y	
Clinical_NonClinical	(All)	
Claim_Outcome_FOI	Damages Paid	
Year of Closure (Settlement Year for PPOs)	No. of Claims	Total Damages
2009/10		
Brain Damage	9	57,715,750
Cerebral Palsy	32	195,068,146
2010/11		
Brain Damage	10	71,254,654
Cerebral Palsy	34	240,229,424
2011/12		
Brain Damage	26	187,769,683
Cerebral Palsy	50	364,148,636
2012/13		
Brain Damage	24	160,597,649
Cerebral Palsy	39	280,369,531
2013/14		
Brain Damage	25	177,673,622
Cerebral Palsy	49	340,474,284
2014/15		
Brain Damage	21	140,015,208
Cerebral Palsy	38	277,197,186
2015/16		
Brain Damage	30	234,140,275
Cerebral Palsy	47	363,806,684
2016/17		
Brain Damage	42	331,359,503
Cerebral Palsy	41	375,556,368
2017/18		
Brain Damage	51	601,945,054
Cerebral Palsy	65	907,011,097
2018/19		
Brain Damage	55	787,805,225
Cerebral Palsy	78	1,067,756,618
Meningitis	5	75,932,440

Table 4: Analysis of Specialties for Claims Closed/Settled with damages paid between financial years 2009/10 and 2018/19 where the aggregate of Damages Paid and Damages Reserves is greater or equal to £5,000,000 where the number of claims is 5 or greater

Closed_Settled	Y	
Clinical_NonClinical	(All)	
Claim_Outcome_FOI	Damages Paid	
Year of Closure (Settlement Year for PPOs)	No. of Claims	Total Damages
2009/10		
Obstetrics	36	223,133,896
2010/11		
Obstetrics	43	306,000,031
2011/12		
Obstetrics	68	509,298,113
Paediatrics	7	44,461,218
2012/13		
Obstetrics	56	403,916,760
Paediatrics	7	45,180,306
2013/14		
Obstetrics	65	462,015,356
Paediatrics	8	51,616,322
2014/15		
Emergency Medicine	5	32,288,761
Obstetrics	47	332,630,329
Paediatrics	15	107,650,045
2015/16		
Obstetrics	58	449,161,652
Paediatrics	9	65,798,859
2016/17		
Emergency Medicine	5	29,522,599
Obstetrics	65	579,623,839
Paediatrics	11	90,785,425
2017/18		
Emergency Medicine	7	62,196,062
Neurosurgery	9	82,023,570
Obstetrics	86	1,168,348,335
Paediatrics	14	192,969,433
2018/19		
Emergency Medicine	8	87,283,555
Obstetrics	114	1,613,723,560
Paediatrics	24	298,743,457