



Resolution

2nd Floor
151 Buckingham Palace Road
London
SW1W 9SZ
Telephone: 020 7811 2700

February 2019
FOI_4368

The following information was requested on 14 February 2020:

Please may I have access to the data relating to the primary causes for claims closed and settled with damages paid for in the financial year 2018-19.

I would like this to be set out how table 6 is in the following past FOI request (https://resolution.nhs.uk/wp-content/uploads/2019/01/FOI_3539_Fail-To-Warn-Informed-Consent-v.pdf)

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 Freedom of Information 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

TABLE OF CONTENTS

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: Analysis of Primary Causes for Claims Closed/Settled with damages paid in 18/19 financial year CNST](#)

Table 1: Analysis of Primary Causes for Claims Closed/Settled with damages paid in 18/19 financial year CNST

Closed_Settled	Y
Clinical_NonClinical	Clinical
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs) ----- Primary Causes	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2018/19	6,894	1,416,987,838	108,567,240	431,182,986	1,956,738,063
Equipment Malfunction	36	7,351,237	533,730	2,423,612	10,308,579
Fail / Delay Treatment	1,460	227,695,926	22,057,012	90,474,101	340,227,039
Fail To Carry Out PO Observs.	24	2,820,929	402,098	1,694,106	4,917,133
Fail To Follow-Up Arrangements	97	6,469,635	759,361	3,269,576	10,498,573
Fail To Recog. Complication Of	194	85,509,492	5,351,934	19,294,680	110,156,106
Fail To Supervise	98	4,257,564	890,907	3,337,097	8,485,568
Fail To Warn-Informed Consent	216	22,495,131	3,224,228	11,610,581	37,329,939
Failure To Interpret X-Ray	202	20,849,277	2,095,621	8,025,431	30,970,330
Failure To Perform Operation	45	4,466,592	466,159	1,977,892	6,910,643
Failure/Delay Diagnosis	1,079	194,575,363	17,812,358	76,318,155	288,705,877
Inadequate Monitoring Intra-Op	23	6,557,747	399,605	1,990,275	8,947,628
Inadequate Nursing Care	506	33,592,746	3,568,829	17,066,334	54,227,909
Inadqte Monitor In Recov Room	#	#	#	#	#
Inappropriate Treatment	454	36,762,145	5,740,133	24,006,231	66,508,509
Intra-Op Problems	339	61,935,278	6,732,585	25,717,469	94,385,332
Lack Of Assistance/Care	87	6,405,551	966,322	3,696,120	11,067,993
Lack Of Facilities/Equipment	11	4,373,637	128,080	790,309	5,292,026
Other	29	803,383	119,129	680,455	1,602,967
Poor Application Of Plstr Cast	6	100,000	11,997	106,125	218,122
Delay In Performing Operation	106	36,245,478	2,666,885	9,387,696	48,300,059
Operator Error	284	21,849,655	2,802,424	12,273,442	36,925,520
Perineal Tear-1st,2nd,3rd Deg	23	6,384,847	607,381	2,622,725	9,614,953
Fail To Make Resp To Abnrm FHR	47	166,626,205	4,753,745	12,738,622	184,118,572
Fail To Monitor 1st Stg Labour	26	60,718,654	1,813,091	5,878,845	68,410,590
Not Specified	#	#	#	#	#
Fail/Delay Admitting To Hosp.	42	3,799,219	671,000	2,423,829	6,894,048
Repeat Attempt Forcep/Ventouse	#	#	#	#	#
Fail To Monitor 2nd Stg Labour	67	131,432,946	5,452,721	16,528,563	153,414,229
Fail Antenatal Screening	33	23,919,331	679,967	3,808,450	28,407,748
Infusion Problems	22	884,600	86,733	518,700	1,490,033
Foreign Body Left In Situ	112	1,526,790	324,863	2,097,349	3,949,002
Failed Sterilisation	13	255,774	99,848	393,724	749,346
Inapprop. Case Selection	7	5,067,581	231,917	1,172,805	6,472,302
Application Of Excess Force	27	16,646,508	1,009,873	2,755,069	20,411,450
Fail To Diag Pre-Eclampsia	7	5,393,955	208,111	729,717	6,331,783
Lack Of Pre-Op Evaluation	24	2,049,692	166,459	1,139,508	3,355,659
Retained Instrument Post-Operation	23	278,387	22,019	271,800	572,206
Fail To Act On Abnorm Test Res	124	29,373,172	1,984,183	8,598,987	39,956,342
Birth Defects	9	21,576,283	731,193	2,426,818	24,734,294
Wrong Diagnosis	84	12,173,899	1,195,669	4,768,808	18,138,376
Fail/Delay Referring To Hosp.	48	13,426,503	787,331	3,567,156	17,780,990
Failed Infection Control Policy/Hospital Hygiene	11	3,116,242	301,029	1,157,069	4,574,340
Fail Mon Dose/rate Syntocinon	#	#	#	#	#
Fail To Interpret USS	16	3,927,249	236,503	1,297,517	5,461,269
Medication Errors	165	7,314,789	1,136,731	4,347,989	12,799,509
Forceps Delivery	7	2,602,739	231,398	798,809	3,632,946
Inapp Use Of Forceps/Ventouse	7	5,467,713	223,316	710,500	6,401,529
Err With Agnt/Dose/Route/Selec	58	9,156,157	757,522	3,028,409	12,942,088
Perform. Of Op. Not Indicated	40	3,565,424	551,077	2,045,031	6,161,532
Diathermy Burns/react. To Prep	40	1,063,634	166,470	869,135	2,099,238
Failure To Perform Tests	112	22,634,785	2,047,093	8,056,299	32,738,177
Bacterial Infection	15	4,404,433	259,671	1,357,197	6,021,301
Inappropriate Discharge	65	9,951,855	1,213,739	3,322,996	14,488,590
Fail/Delay Avail Op Thtre	#	#	#	#	#
Unexpected Death	29	1,717,151	337,538	1,585,296	3,639,985
Intubation Problems	12	278,849	34,034	249,610	562,494

Table 1: Analysis of Primary Causes for Claims Closed/Settled with damages paid between financial years CNST

Closed_Settled	Y
Clinical_NonClinical	Clinical
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs) ----- Primary Causes	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Premature Ceasure Of Treatment	#	#	#	#	#
Fail To Infrm Test Rslts	23	8,359,256	528,209	1,938,889	10,826,354
Failure To X-Ray	76	12,206,346	643,162	3,962,380	16,811,888
Wrong Site Surgery	48	1,137,765	119,356	959,878	2,216,999
Incorrect Injection Site	12	673,976	168,043	657,023	1,499,042
Removal & Retention Of Organs	#	#	#	#	#
Cross Infection	10	440,080	122,299	614,252	1,176,632
Fail/Delay Resus By Paediatric	#	#	#	#	#
Fail/Delay Avail Of SCBU Beds	#	#	#	#	#
Improp. Delegation To Junior	6	249,527	42,722	281,400	573,649
Labial Tear	5	841,600	131,838	721,342	1,694,780
Probs With Medical Records	#	#	#	#	#
InhospMaternalDeathPostPartumHaemorrCS	#	#	#	#	#
MisplacedNaso/OrogastricTubeNotDet	#	#	#	#	#
Re-Canalisation	6	143,500	36,873	170,926	351,299
Injured By Another Patient	6	51,871	5,357	29,581	86,809
Assault, Etc By Hospital Staff	19	383,077	152,218	518,063	1,053,357
Problem Blood Fluids	#	#	#	#	#
Inc In Comm By Absc/disch Pat	#	#	#	#	#
Sexual Abuse	14	397,806	72,501	281,750	752,057
Self Harm	21	4,811,785	330,702	1,337,242	6,479,729
Unlawful Detention - Mntl Hlth	#	#	#	#	#
Tooth Inj & Patient Posit Prob	7	125,740	27,383	132,797	285,920
Grand Total	6,894	1,416,987,838	108,567,240	431,182,986	1,956,738,063