



Resolution

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June 2020
FOI 4552

The following information was requested on 24 April 2020:

1 The amounts in £'s currently being paid out for the period 2016/17, 2017/18; 2018/19 and 2019/20 by the following Kent Hospital Trusts due to clinical negligence Dartford & Gravesham NHS Trust, East Kent Hospitals University NHS Foundation Trust, Maidstone and Tunbridge Wells NHS Trust, Medway NHS Foundation Trust; Kent; Medway NHS and Social Care Partnership Trust and Kent Community Health NHS Foundation Trust in MS Excel format

2 The number of claims currently lodged against each trust but no claim as yet being paid out for the trust above and for the same period

3 The reason for the claims already in payment, e.g. maternity claim, oncology claim, surgery claim, for each trust and the same time period.

Our Response

Please note we are currently unable to provide the information for the period 19/20 as our annual account and reports for this period is subject to auditing and verification which means data for this period will not be ready until the end of July 2020. We have provided you with the data for the following periods: 2015/16, 2016/17, 2017/18 and 2018/19. We hope this is satisfactory.

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 FOI 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

<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.

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[Table 2: Number and Cost of Claims Closed/Settled by Specialities with damages paid between financial years 2015/16 - 2018/19](#)

[Table 3: Number of Open Claims by Trusts between financial years 2015/16 - 2018/19](#)

Table 1: Number and Cost of Claims Closed/Settled by Trusts with damages paid between financial years 2015/16 - 2018/19

Closed_Settled	Y		
Clinical_NonClinical	(All)		
Claim_Outcome_FOI	Damages Paid		
Year of Closure (Settlement Year for PPOs)	No. of Claims	Total Paid	
2015/16			
Dartford and Gravesham NHS Trust	28	1,825,607	
East Kent Hospitals University NHS Foundation Trust	65	16,581,961	
Kent Community Health NHS Foundation Trust	#	#	
Maidstone and Tunbridge Wells NHS Trust	44	7,712,088	
Medway NHS Foundation Trust	27	4,460,627	
2016/17			
Dartford and Gravesham NHS Trust	44	6,829,908	
East Kent Hospitals University NHS Foundation Trust	81	15,875,301	
Kent and Medway NHS and Social Care Partnership Trust	5	494,556	
Kent Community Health NHS Foundation Trust	#	#	
Maidstone and Tunbridge Wells NHS Trust	51	18,501,704	
Medway NHS Foundation Trust	28	7,383,507	
2017/18			
Dartford and Gravesham NHS Trust	34	5,594,341	
East Kent Hospitals University NHS Foundation Trust	72	13,776,675	
Kent and Medway NHS and Social Care Partnership Trust	10	2,533,709	
Kent Community Health NHS Foundation Trust	6	195,054	
Maidstone and Tunbridge Wells NHS Trust	35	9,150,266	
Medway NHS Foundation Trust	38	14,215,217	
2018/19			
Dartford and Gravesham NHS Trust	46	9,255,798	
East Kent Hospitals University NHS Foundation Trust	59	12,486,371	
Kent and Medway NHS and Social Care Partnership Trust	9	1,385,730	
Kent Community Health NHS Foundation Trust	9	600,371	
Maidstone and Tunbridge Wells NHS Trust	45	15,443,279	
Medway NHS Foundation Trust	33	6,585,615	
Grand Total	775	171,144,153	

Table 2: Number and Cost of Claims Closed/Settled by Specialities with damages paid between financial years 2015/16 - 2018/19

Closed_Settled	Y		
Clinical_NonClinical	(All)		
Claim_Outcome_FOI	Damages Paid		
Year of Closure (Settlement Year for PPOs)	No. of Claims	Total Paid	
2015/16			
Dartford and Gravesham NHS Trust	28	1,825,607	
Emergency Medicine	#	#	
General Medicine	#	#	
Gynaecology	6	371,973	
Obstetrics	5	422,644	
Orthopaedic Surgery	7	550,449	
Other	#	#	
Radiology	#	#	
Urology	#	#	
East Kent Hospitals University NHS Foundation Trust	65	16,581,961	
Cardiology	#	#	
Emergency Medicine	8	886,069	
Gastroenterology	#	#	
General Medicine	7	756,654	
General Surgery	8	1,608,311	
Geriatric Medicine	#	#	
Gynaecology	#	#	
Neurology	#	#	
Obstetrics	10	10,800,978	
Oncology	#	#	
Ophthalmology	#	#	
Oral & Maxillo Facial Surgery	#	#	
Orthopaedic Surgery	12	1,553,387	
Pharmacy	#	#	
Radiology	#	#	
Urology	#	#	
Vascular Surgery	#	#	
Kent Community Health NHS Foundation Trust	#	#	
District Nursing	#	#	
Emergency Medicine	#	#	
Rehabilitation	#	#	
Maidstone and Tunbridge Wells NHS Trust	44	7,712,088	
Anaesthesia	#	#	
Cardiology	#	#	
District Nursing	#	#	
Emergency Medicine	8	1,459,825	
Gastroenterology	#	#	
General Medicine	#	#	
General Surgery	6	471,392	
Geriatric Medicine	#	#	
Gynaecology	#	#	
Histopathology	#	#	
Obstetrics	#	#	
Oncology	#	#	
Orthopaedic Surgery	6	505,339	
Radiology	#	#	
Respiratory Medicine/ Thoracic Medic	#	#	
Surgical Speciality - Other	#	#	
Urology	#	#	
Medway NHS Foundation Trust	27	4,460,627	
Anaesthesia	#	#	
Cardiology	#	#	
Emergency Medicine	5	144,010	
General Medicine	#	#	

Table 2: Number and Cost of Claims Closed/Settled by Specialities with damages paid between financial years 2015/16 - 2018/19

Closed_Settled	Y	
Clinical_NonClinical	(All)	
Claim_Outcome_FOI	Damages Paid	
Year of Closure (Settlement Year for PPOs)	No. of Claims	Total Paid
General Surgery	#	#
Gynaecology	#	#
Non-Clinical Staff	#	#
Obstetrics	#	#
Orthopaedic Surgery	6	1,556,970
Otorhinolaryngology/ ENT	#	#
Radiology	#	#
Urology	#	#
Vascular Surgery	#	#
2016/17		
Dartford and Gravesham NHS Trust	44	6,829,908
Emergency Medicine	9	292,657
General Medicine	#	#
General Practice	#	#
General Surgery	#	#
Gynaecology	14	830,996
Intensive Care Medicine	#	#
Obstetrics	#	#
Orthopaedic Surgery	6	661,012
Paediatrics	#	#
Radiology	#	#
Respiratory Medicine/ Thoracic Medic	#	#
Urology	#	#
East Kent Hospitals University NHS Foundation Trust	81	15,875,301
Dentistry	#	#
Dermatology	#	#
Emergency Medicine	12	1,179,113
Gastroenterology	#	#
General Medicine	5	198,149
General Surgery	9	856,288
Geriatric Medicine	#	#
Gynaecology	6	370,264
Haematology	#	#
Neurosurgery	#	#
Non-Clinical Staff	#	#
Obstetrics	8	4,384,881
Ophthalmology	#	#
Orthopaedic Surgery	15	2,899,831
Otorhinolaryngology/ ENT	#	#
Paediatrics	#	#
Radiology	#	#
Respiratory Medicine/ Thoracic Medic	#	#
Surgical Speciality - Other	#	#
Urology	#	#
Vascular Surgery	#	#
Kent and Medway NHS and Social Care Partnership Trust	5	494,556
Emergency Medicine	#	#
Miscellaneous	#	#
Psychiatry/ Mental Health	#	#
Kent Community Health NHS Foundation Trust	#	#
District Nursing	#	#
Emergency Medicine	#	#
Rehabilitation	#	#
Maidstone and Tunbridge Wells NHS Trust	51	18,501,704
Anaesthesia	#	#

Table 2: Number and Cost of Claims Closed/Settled by Specialities with damages paid between financial years 2015/16 - 2018/19

Closed_Settled	Y	
Clinical_NonClinical	(All)	
Claim_Outcome_FOI	Damages Paid	
Year of Closure (Settlement Year for PPOs)	No. of Claims	Total Paid
Emergency Medicine	10	3,362,921
General Medicine	#	#
General Surgery	5	584,378
Geriatric Medicine	#	#
Gynaecology	#	#
Obstetrics	7	10,373,861
Ophthalmology	#	#
Orthopaedic Surgery	8	752,749
Otorhinolaryngology/ ENT	#	#
Radiology	#	#
Urology	#	#
Microbiology/ Virology	#	#
Medway NHS Foundation Trust	28	7,383,507
Cardiology	#	#
Emergency Medicine	5	3,705,421
Gastroenterology	#	#
General Surgery	#	#
Geriatric Medicine	#	#
Gynaecology	5	804,711
Histopathology	#	#
Obstetrics	5	880,033
Orthopaedic Surgery	5	1,145,781
Vascular Surgery	#	#
Blood Transfusion	#	#
2017/18		
Dartford and Gravesham NHS Trust	34	5,594,341
Anaesthesia	#	#
Emergency Medicine	#	#
Gastroenterology	#	#
General Medicine	#	#
General Surgery	#	#
Gynaecology	9	811,948
Obstetrics	#	#
Orthopaedic Surgery	5	810,634
Paediatrics	#	#
Plastic Surgery	#	#
Radiology	#	#
Urology	#	#
Infectious Diseases	#	#
East Kent Hospitals University NHS Foundation Trust	72	13,776,675
Ambulance	#	#
Audiological Medicine	#	#
Cardiology	#	#
Emergency Medicine	6	453,676
General Medicine	#	#
General Surgery	10	1,313,175
Geriatric Medicine	#	#
Gynaecology	#	#
Haematology	#	#
Obstetrics	12	5,293,862
Oncology	#	#
Ophthalmology	#	#
Oral & Maxillo Facial Surgery	#	#
Orthopaedic Surgery	14	3,137,518
Paediatric Surgery	#	#

Table 2: Number and Cost of Claims Closed/Settled by Specialities with damages paid between financial years 2015/16 - 2018/19

Closed_Settled Clinical_NonClinical Claim_Outcome_FOI	Y (All) Damages Paid		
Year of Closure (Settlement Year for PPOs)	No. of Claims	Total Paid	
Paediatrics	#	#	
Radiology	#	#	
Radiotherapy	#	#	
Renal Medicine	#	#	
Urology	#	#	
Vascular Surgery	#	#	
Kent and Medway NHS and Social Care Partnership Trust	10	2,533,709	
Neurology	#	#	
Psychiatry/ Mental Health	9	1,341,288	
Kent Community Health NHS Foundation Trust	6	195,054	
Community Medicine/ Public Health	#	#	
Dentistry	#	#	
Not Specified	#	#	
Podiatry	#	#	
Rehabilitation	#	#	
HM Prison Medical/dental	#	#	
Maidstone and Tunbridge Wells NHS Trust	35	9,150,266	
Cardiology	#	#	
District Nursing	#	#	
Emergency Medicine	5	683,220	
Gastroenterology	#	#	
General Medicine	#	#	
General Surgery	5	509,407	
Genito-Urinary Medicine	#	#	
Geriatric Medicine	#	#	
Obstetrics	5	4,727,071	
Ophthalmology	#	#	
Orthopaedic Surgery	#	#	
Otorhinolaryngology/ ENT	#	#	
Paediatrics	#	#	
Radiology	#	#	
Urology	#	#	
Medway NHS Foundation Trust	38	14,215,217	
Anaesthesia	#	#	
Emergency Medicine	6	1,419,220	
Gastroenterology	#	#	
General Medicine	#	#	
General Surgery	#	#	
Geriatric Medicine	#	#	
Neurology	#	#	
Obstetrics	6	3,862,782	
Orthopaedic Surgery	10	3,198,971	
Radiology	#	#	
Surgical Speciality - Other	#	#	
Urology	5	549,414	
Vascular Surgery	#	#	
Palliative Medicine	#	#	
2018/19			
Dartford and Gravesham NHS Trust	46	9,255,798	
Anaesthesia	#	#	
Cardiology	#	#	
Emergency Medicine	6	1,003,962	
General Medicine	#	#	
General Surgery	#	#	
Gynaecology	17	1,386,447	

Table 2: Number and Cost of Claims Closed/Settled by Specialities with damages paid between financial years 2015/16 - 2018/19

Closed_Settled	Y	
Clinical_NonClinical	(All)	
Claim_Outcome_FOI	Damages Paid	
Year of Closure (Settlement Year for PPOs)	No. of Claims	Total Paid
Obstetrics	5	4,481,878
Occupational Physician	#	#
Orthopaedic Surgery	#	#
Paediatrics	#	#
Radiology	#	#
Microbiology/ Virology	#	#
East Kent Hospitals University NHS Foundation Trust	59	12,486,371
Cardiology	#	#
Emergency Medicine	6	427,279
Gastroenterology	#	#
General Medicine	#	#
General Surgery	6	7,673,974
Geriatric Medicine	#	#
Gynaecology	#	#
Obstetrics	5	297,059
Ophthalmology	#	#
Orthopaedic Surgery	10	585,969
Otorhinolaryngology/ ENT	#	#
Radiology	9	1,260,608
Renal Medicine	#	#
Respiratory Medicine/ Thoracic Medic	#	#
Urology	#	#
Vascular Surgery	#	#
Kent and Medway NHS and Social Care Partnership Trust	9	1,385,730
Psychiatry/ Mental Health	9	1,385,730
Kent Community Health NHS Foundation Trust	9	600,371
Community Medicine/ Public Health	#	#
Dentistry	#	#
Emergency Medicine	#	#
General Practice	#	#
Physiotherapy	#	#
Podiatry	#	#
Rehabilitation	#	#
Maidstone and Tunbridge Wells NHS Trust	45	15,443,279
Emergency Medicine	8	4,249,478
Gastroenterology	#	#
General Medicine	#	#
General Surgery	8	2,191,067
Geriatric Medicine	#	#
Gynaecology	#	#
Haematology	#	#
Obstetrics	#	#
Ophthalmology	#	#
Orthopaedic Surgery	#	#
Otorhinolaryngology/ ENT	#	#
Paediatrics	#	#
Radiology	#	#
Respiratory Medicine/ Thoracic Medic	#	#
Surgical Speciality - Other	#	#
Vascular Surgery	#	#
Medway NHS Foundation Trust	33	6,585,615
Anaesthesia	#	#
Emergency Medicine	10	641,597
General Medicine	#	#
General Surgery	#	#

Table 2: Number and Cost of Claims Closed/Settled by Specialities with damages paid between financial years 2015/16 - 2018/19

Closed_Settled	Y		
Clinical_NonClinical	(All)		
Claim_Outcome_FOI	Damages Paid		
Year of Closure (Settlement Year for PPOs)	No. of Claims	Total Paid	
Gynaecology	#	#	
Obstetrics	#	#	
Orthopaedic Surgery	6	1,411,585	
Other	#	#	
Renal Medicine	#	#	
Surgical Speciality - Other	#	#	
Urology	#	#	
Vascular Surgery	#	#	
Grand Total	775	171,144,153	

Table 3: Number of Open Claims by Trusts between financial years 2015/16 - 2018/19

Closed_Settled Status_Flag Clinical_NonClinical	N Open (All)
NHSLA Notification Year	
2015/16	
Dartford and Gravesham NHS Trust	7
East Kent Hospitals University NHS Foundation Trust	6
Kent Community Health NHS Foundation Trust	1
Maidstone and Tunbridge Wells NHS Trust	8
Medway NHS Foundation Trust	12
2016/17	
Dartford and Gravesham NHS Trust	13
East Kent Hospitals University NHS Foundation Trust	17
Kent and Medway NHS and Social Care Partnership Trust	4
Kent Community Health NHS Foundation Trust	4
Maidstone and Tunbridge Wells NHS Trust	14
Medway NHS Foundation Trust	11
2017/18	
Dartford and Gravesham NHS Trust	10
East Kent Hospitals University NHS Foundation Trust	32
Kent and Medway NHS and Social Care Partnership Trust	5
Kent Community Health NHS Foundation Trust	5
Maidstone and Tunbridge Wells NHS Trust	22
Medway NHS Foundation Trust	20
2018/19	
Dartford and Gravesham NHS Trust	20
East Kent Hospitals University NHS Foundation Trust	62
Kent and Medway NHS and Social Care Partnership Trust	4
Kent Community Health NHS Foundation Trust	4
Maidstone and Tunbridge Wells NHS Trust	36
Medway NHS Foundation Trust	33
Grand Total	350