



Resolution

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June 2020
FOI 4553

The following information was requested on 24 April 2020:

- 1. Which NHS Trust in Kent spent the most on clinical negligence claims in the last 12 months?*
- 2. How many of these claims were the result of patient deaths?*
- 3. How much was the total spend on clinical negligence claims by each trust in Kent for the last 12 months?*
- 4. How does this figure compare to the previous 12 months, and every year going back to 2014/15?*
- 5. Please provide a total figure per year for each NHS Trust in Kent.*

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: 14/15, 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.

[Table 1: Number and Cost of Claims Closed/Settled by Trusts with damages paid between financial years 2018/19](#)

[Table 2: Number and Cost of Claims Closed/Settled by Trusts were injury code is Fatality with damages paid between financial years 2018/19](#)

[Table 3: Number and Cost of Claims Closed/Settled by Trusts with damages paid between financial years 2014/15 - 2018/19](#)

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

Year of Closure (Settlement Year for PPOs)	No. of Claims	Total Paid
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	201	45,757,164

Table 2: Number and Cost of Claims Closed/Settled by Trusts where injury code is Fatality with damages paid between financial years 2018/19

Year of Closure (Settlement Year for PPOs)	No. of Claims
2018/19	
Dartford and Gravesham NHS Trust	#
Fatality	#
East Kent Hospitals University NHS Foundation Trust	11
Fatality	11
Kent and Medway NHS and Social Care Partnership Trust	6
Fatality	6
Maidstone and Tunbridge Wells NHS Trust	6
Fatality	6
Grand Total	#

Table 3: Number and Cost of Claims Closed/Settled by Trusts with damages paid between financial years 2014/15 - 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	
2014/15			
Dartford and Gravesham NHS Trust	44	8,245,706	
East Kent Hospitals University NHS Foundation Trust	65	13,819,462	
Kent and Medway NHS and Social Care Partnership Trust	#	#	
Kent Community Health NHS Foundation Trust	#	#	
Maidstone and Tunbridge Wells NHS Trust	31	9,739,399	
Medway NHS Foundation Trust	19	3,308,092	
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	941	207,243,032	