



# Resolution

2<sup>nd</sup> Floor  
151 Buckingham Palace Road  
London  
SW1W 9SZ  
**Telephone:** 020 7811 2700

December 2020  
FOI\_4833

The following information was requested on 23 October 2020:

*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 2010/11 financial year up to and including the 2019/20 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 following dataset:

Where the Department of Health and Social Care is identified as the responsible organisation, this is as a result of them taking over responsibility for historic liabilities of organisations that cease to exist. Upon the organisation ceasing to exist the responsibility for the liabilities passes to the Secretary of State.

**Table 1** – shows the number and cost of claims settled with a damages payment equal to or greater than £5m or where the estimated future liability is equal to or greater than £5m closed and settled in financial years 2010/11 to 2019/20.

The increase in the volume of cases settled in recent years has to be considered against the context of the change in the personal injury discount rate in 2017, which increased the overall settlement costs in the majority of high value cases.

**Table 2** – shows the members who had 5 or more claims where the claims settled with a damages payment equal to or greater than £5m or where the estimated future liability is equal to or greater than £5m closed and settled in financial years 2010/11 to 2019/20.

Please note the numbers will not match table 1 - during the financial years 2013/14, 2015/16 and 2019/20 there were no members with 5 or more claims under this criteria. There will be members not mentioned with fewer than 5 claims in the respective years. This information has been refused on data protection grounds. Please see our reasoning below.

**Table 3** – shows analysis of Primary Injuries where the number of claims is 5 or greater, for the claims settled with a damages payment equal to or greater than £5m or where the estimated future liability is equal to or greater than £5m closed and settled in financial years 2010/11 to 2019/20.

Please note the numbers will not match table 1. There will be injuries not mentioned with fewer than 5 claims in the respective years. This information has been refused on data protection grounds. Please see our reasoning below.

**Table 4** – shows analysis of Specialties where the number of claims is 5 or greater, for the claims settled with a damages payment equal to or greater than £5m or where the estimated future liability is equal to or greater than £5m closed and settled in financial years 2010/11 to 2019/20.

Please note the numbers will not match table 1. There will be specialties not mentioned with fewer than 5 claims in the respective years. This information has been refused on data protection grounds. Please see our reasoning below.

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.

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/>

## 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: The number and cost of claims Closed/Settled with a damages payment equal to or greater than £5m or where the estimated future liability is equal to or greater than £5m closed/settled in financial years 2010/11 to 2019/20

Table 2: Analysis of Hospital Trusts for Claims Closed/Settled with a damages payment equal to or greater than £5m or where the estimated future liability is equal to or greater than £5m closed/settled in financial years 2010/11 to 2019/20 and the number of claims is 5 or greater (and therefore the numbers will not match Table 1)

Table 3: Analysis of Primary Injuries for Closed/Settled with a damages payment equal to or greater than £5m or where the estimated future liability is equal to or greater than £5m closed/settled in financial years 2010/11 to 2019/20 and the number of claims is 5 or greater (and therefore the numbers will not match Table 1)

Table 4: Analysis of Specialties for Claims Closed/Settled with a damages payment equal to or greater than £5m or where the estimated future liability is equal to or greater than £5m closed/settled in financial years 2010/11 to 2019/20 and the number of claims is 5 or greater (and therefore the numbers will not match Table 1)

**Table 1: The number and cost of claims Closed/Settled with a damages payment equal to or greater than £5m or where the estimated future liability is equal to or greater than £5m closed/settled in financial years 2010/11 to 2019/20**

Closed_Settled	Y		
Clinical_NonClinical	(All)		
Claim_Outcome_FOI	Damages Paid		
Year of Closure (Settlement Year for PPOs)	No. of Claims	Total Damages	
2010/11	49	344,164,078	
2011/12	83	606,016,607	
2012/13	68	481,237,025	
2013/14	82	568,249,234	
2014/15	71	501,993,165	
2015/16	82	630,603,112	
2016/17	85	727,015,465	
2017/18	133	1,709,352,102	
2018/19	167	2,208,073,437	
2019/20	123	1,637,631,464	
<b>Grand Total</b>	<b>943</b>	<b>9,414,335,688</b>	

**Table 2: Analysis of Hospital Trusts for Claims Closed/Settled with a damages payment equal to or greater than £5m or where the estimated future liability is equal to or greater than £5m closed/settled in financial years 2010/11 to 2019/20 and the number of claims is 5 or greater (and therefore the numbers will not match Table 1)**

Closed_Settled	Y	
Clinical_NonClinical	(All)	
Claim_Outcome_FOI	Damages Paid	
Year of Closure (Settlement Year for PPOs)	No. of Claims	Total Damages
<b>2010/11</b>		
Department of Health	10	62,881,086
<b>2011/12</b>		
Department of Health	16	113,001,329
<b>2012/13</b>		
Department of Health	10	68,225,089
<b>2014/15</b>		
Department of Health	10	75,106,901
<b>2016/17</b>		
Department of Health	7	68,537,239
<b>2017/18</b>		
Manchester University NHS Foundation Trust	5	50,308,560
Department of Health	7	82,821,129
<b>2018/19</b>		
Barking, Havering and Redbridge University Hospitals NHS Trust	6	70,342,186
Barts Health NHS Trust	7	135,761,993
Nottingham University Hospitals NHS Trust	8	139,484,477
Oxford University Hospitals NHS Foundation Trust	5	43,833,804
University Hospitals of Derby and Burton NHS Foundation Trust	5	66,825,627
Department of Health	9	106,869,197

**Table 3: Analysis of Primary Injuries for Closed/Settled with a damages payment equal to or greater than £5m or where the estimated future liability is equal to or greater than £5m closed/settled in financial years 2010/11 to 2019/20 and the number of claims is 5 or greater (and therefore the numbers will not match Table 1)**

Closed_Settled Clinical_NonClinical Claim_Outcome_FOI	Y (All) Damages Paid		
Year of Closure (Settlement Year for PPOs)		No. of Claims	Total Damages
<b>2010/11</b>			
Brain Damage		11	77,134,654
Cerebral Palsy		34	240,229,424
<b>2011/12</b>			
Brain Damage		25	182,664,280
Cerebral Palsy		50	364,148,635
<b>2012/13</b>			
Brain Damage		23	155,358,649
Cerebral Palsy		39	280,369,531
<b>2013/14</b>			
Brain Damage		26	183,358,622
Cerebral Palsy		49	340,474,284
<b>2014/15</b>			
Brain Damage		21	140,015,208
Cerebral Palsy		38	277,197,186
<b>2015/16</b>			
Brain Damage		30	234,140,275
Cerebral Palsy		47	363,806,684
<b>2016/17</b>			
Brain Damage		38	306,004,517
Cerebral Palsy		40	368,288,953
<b>2017/18</b>			
Brain Damage		49	586,550,927
Cerebral Palsy		65	907,011,097
<b>2018/19</b>			
Brain Damage		55	787,805,225
Cerebral Palsy		76	1,052,978,969
Meningitis		5	75,932,440
<b>2019/20</b>			
Brain Damage		58	810,642,878
Cerebral Palsy		52	697,259,090

**Table 4: Analysis of Specialties for Claims Closed/Settled with a damages payment equal to or greater than £5m or where the estimated future liability is equal to or greater than £5m closed/settled in financial years 2010/11 to 2019/20 and the number of claims is 5 or greater (and therefore the numbers will not match Table 1)**

Year of Closure (Settlement Year for PPOs)	No. of Claims	Total Damages
<b>2010/11</b>		
Obstetrics	43	306,000,031
<b>2011/12</b>		
Obstetrics	68	509,298,113
Paediatrics	6	39,355,815
<b>2012/13</b>		
Obstetrics	56	403,916,760
Paediatrics	7	45,180,306
<b>2013/14</b>		
Obstetrics	66	467,700,356
Paediatrics	8	51,616,322
<b>2014/15</b>		
Emergency Medicine	5	32,288,761
Obstetrics	47	332,630,329
Paediatrics	15	107,650,045
<b>2015/16</b>		
Obstetrics	58	449,161,652
Paediatrics	9	65,798,859
<b>2016/17</b>		
Emergency Medicine	5	29,522,599
Obstetrics	62	560,847,757
Paediatrics	10	83,998,090
<b>2017/18</b>		
Emergency Medicine	7	62,196,062
Neurosurgery	8	73,963,337
Obstetrics	86	1,168,348,335
Paediatrics	14	192,969,433
<b>2018/19</b>		
Emergency Medicine	8	87,283,555
Obstetrics	112	1,598,945,911
Paediatrics	24	298,743,457
<b>2019/20</b>		
Obstetrics	87	1,230,862,472
Paediatrics	23	284,888,987