



Resolution

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FOI_4902

The following information was requested on 24 December 2020:

I have contacted NHS Trusts in order to establish current status medication errors, reasons and claims and compare to potential savings with my solution after Clinical trials. The data provided by FOI requests note different values, on claims and money values from 2014 - 2020:

NHS Resolution Factsheet 5: 2019/2020 indicates the following for Clinical Negligence Scheme for Trusts (CNST) i.e. The Dudley Group NHS Trust:

tab - Payments made:

NHS Organisational Code	Member Code	Member Name	Original CNST Join Date	Trust offers labour ward services ?	CNST Damages	CNST NHS Legal Costs	CNST Claimant Costs	CNST Total Paid
T205	RNA	The Dudley Group NHS Foundation Trust	01/04/1997	Yes	15,450,235	1,055,493	3,148,579	19,654,307

The 2019/2020 data in Factsheets 5 - tab - Claims Received:

NHS Organisation I Code	Member Code	Member Name	Original CNST Join Date	Trust offers labour ward services ?	CNST No. of Claims	CNST No. of Incidents	CNST Total Matters
T205	RNA	The Dudley Group NHS Foundation Trust	01/04/1997	Yes	50	5	55

Tab - Successful Claims indicates the following:

NHS Organisational Code	Member Code	Member Name	Number of Successful Claims	Total Damages Payments @ 31/03/20	NHS Legal Costs Payments @ 31/03/20	Claimant Costs Payments @ 31/03/20	Total Paid @ 31/03/20	Total Damages Reserve @ 31/03/20
RNA	T205	The Dudley Group NHS Foundation Trust	42	14,858,493	940,570	2,992,670	18,791,732	31,017,052

However, The Dudley Group Trust indicated:

1. total claims submitted/pending/successful (2014 - 2020): 11
2. total monetary value of successful claims (2014 - 2020) is £377, 080.

I have noticed the same differences with others Trusts data from FOI requests.

Can you please help me understand, the published data for Clinical Negligence. Does indicate or include claims for Medication Errors whereby a patient was harmed: low, moderate, severe or even death?

Is the data published an aggregate value since Original Join Date (CNST) 1997 or is it a separate yearly value i.e. 2019/2020?

Why are different monetary values in successful/pending claims between NHS Trust and NHS Resolution?

Our Response

1. We have no knowledge as to how Trusts report on claims, and so cannot explain any differences in our reports and those of Trusts.
2. For the Dudley Group NHS Trust, we have checked our data for the number of clinical claims that were notified and entered onto our claims system for the 2019/20 period. We find this to be consistent with the numbers reported in our Factsheet 5 for the same period. Our claims received numbers include both ongoing and closed claims, with separate number for Incidents. Numbers are as at financial year end (31 March).
3. With respect to your questions on the Factsheet 5 tabs:
 Payments Made tab: this shows the payments made in the year, irrespective of the year that the claim was received.
 Claims Received tab: the number of claims received in the year.
 Successful claims: the number of claims closed in the year and have damages awarded. These may include claims that were received in previous years.
4. 'Medication Errors' is a cause code that can be applied to claims. Level of harm is not a captured type of data, but there are various injury codes that be applied to these claims, of which 'Death' can be one of them. A full list of the codes as applied to CNST schemes can be found here:

<https://resolution.nhs.uk/wp-content/uploads/2018/10/Guidance-note-Understanding-NHS-Resolution-data-v3.pdf>

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
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<https://ico.org.uk/>