



Resolution

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February 2021
FOI_4954

The following information was requested on 1 February 2021:

In a previous Fol response [Ref: Fol_2999] you provided details on the number of claims and the payments made to people issuing claims under the category 'medication errors'. Could you please provide me with similar information, specifically:

- 1. I would like to know the number of successful claims paid out by NHS Resolution/NHSLA in each of the last five financial years (15/16) (16/17) (17/18) (18/19) and (19/20) as well as the total amount of compensation paid to these claimants in each financial year?*
- 2. Could you also supply me with tables showing the aggregate totals for medication error claims for the five financial years which give (a) the number of successful claims, (b) damages paid, (c) defence costs paid, (d) claimants cost paid and (e) total paid broken down by the speciality.*
- 3. Could you also supply me with tables showing the aggregate totals for medication error claims for the five financial years which give (a) the number of successful claims, (b) damages paid, (c) defence costs paid, (d) claimants cost paid and (e) total paid broken down by the main type of harm. Please provide this in a similar format to a previous Fol response [Ref: Fol_3607].*

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 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 Clinical Claims \(excluding CNSGP and ELSGP\) Closed/Settled with damages paid, where Medication Error was the Primary Cause, between financial years 2015/16 and 2019/20 and broken down by Specialty](#)

[Table 3: Number and Cost of Clinical Claims \(excluding CNSGP and ELSGP\) Closed/Settled with damages paid, where Medication Error was the Primary Cause, between financial years 2015/16 and 2019/20 and broken down by Primary Injury](#)

Table 1: Number and Compensation of Clinical Claims (excluding CNSGP and ELSGP) Closed/Settled with damages paid, where Medication Error was the Primary Cause, between financial years 2015/16 and 2019/20

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid
2015/16	125	5,531,693
2016/17	179	9,165,283
2017/18	164	9,710,351
2018/19	161	7,357,883
2019/20	169	10,577,366
Grand Total	798	42,342,576

Table 2: Number and Cost of Clinical Claims (excluding CNSGP and ELSGP) Closed/Settled with damages paid, where Medication Error was the Primary Cause, between financial years 2015/16 and 2019/20 and broken down by Speciality

Closed_Settled	Y					
Clinical_NonClinical	Clinical					
Claim_Outcome_FOI	Damages Paid					
		No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Year of Closure (Settlement Year for PPOs)						
Community Medicine/ Public Health	5	28,991	3,537	27,584	60,113	
Rheumatology	6	2,245,300	140,425	559,170	2,944,895	
Other	6	74,460	33,402	116,797	224,660	
Dermatology	7	73,000	26,225	169,975	269,200	
Surgical Speciality - Other	7	444,100	15,972	198,998	659,069	
Intensive Care Medicine	8	82,500	29,096	152,225	263,821	
Haematology	10	2,692,426	160,888	1,000,353	3,853,667	
Cardio Surgery	10	1,300,816	164,724	414,443	1,879,983	
Comm Mental Servs	10	165,000	75,436	285,236	525,672	
Endocrinology	11	105,832	46,025	209,588	361,444	
Renal Medicine	11	468,350	72,588	340,405	881,343	
Gynaecology	12	1,107,815	110,043	515,550	1,733,408	
General Practice	12	189,616	45,126	231,863	466,604	
Urology	12	570,837	94,692	374,250	1,039,779	
Oncology	13	127,070	30,627	220,053	377,751	
Neurosurgery	14	7,827,634	539,661	1,939,618	10,306,914	
Respiratory Medicine/ Thoracic Medic	15	240,579	99,747	336,534	676,860	
Neurology	18	396,099	105,839	642,333	1,144,271	
Ophthalmology	18	870,560	94,618	354,164	1,319,342	
Gastroenterology	22	1,014,094	122,775	914,028	2,050,898	
Paediatrics	23	4,822,723	288,713	811,218	5,922,654	
Cardiology	25	588,356	140,449	578,848	1,307,653	
Obstetrics	27	3,483,138	348,134	1,829,615	5,660,887	
Geriatric Medicine	27	345,335	105,185	411,876	862,396	
Pharmacy	30	139,833	90,219	351,232	581,284	
HM Prison Medical/dental	31	120,448	72,289	150,943	343,679	
Psychiatry/ Mental Health	33	1,376,256	246,867	1,986,648	3,609,772	
General Surgery	43	875,175	289,846	1,317,804	2,482,825	
Anaesthesia	56	3,293,989	474,079	2,493,266	6,261,334	
Orthopaedic Surgery	58	1,882,423	355,177	1,847,316	4,084,915	
Emergency Medicine	61	1,277,335	264,455	1,224,208	2,765,998	
General Medicine	119	3,139,193	687,049	3,007,924	6,834,166	
Plastic Surgery	#	#	#	#	#	
Radiology	#	#	#	#	#	
Otorhinolaryngology/ ENT	#	#	#	#	#	
Rehabilitation	#	#	#	#	#	
Infectious Diseases	#	#	#	#	#	
Microbiology/ Virology	#	#	#	#	#	
Physiotherapy	#	#	#	#	#	
Genito-Urinary Medicine	#	#	#	#	#	
Not Specified	#	#	#	#	#	
Oral & Maxillo Facial Surgery	#	#	#	#	#	
Non-Clinical Staff	#	#	#	#	#	
District Nursing	#	#	#	#	#	
Paediatric Surgery	#	#	#	#	#	
Ambulance	#	#	#	#	#	
Miscellaneous	#	#	#	#	#	

Table 2: Number and Cost of Clinical Claims (excluding CNSGP and ELSGP) Closed/Settled with damages paid, where Medication Error was the Primary Cause, between financial years 2015/16 and 2019/20 and broken down by Specialty

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Vascular Surgery	#	#	#	#	#
Grand Total	798	42,342,576	5,650,709	26,528,782	74,522,067

Table 3: Number and Cost of Clinical Claims (excluding CNSGP and ELSGP) Closed/Settled with damages paid, where Medication Error was the Primary Cause, between financial years 2015/16 and 2019/20 and broken down by Primary Injury

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Addiction/Dependency	6	167,750	85,662	364,625	618,037
Multiple Injuries	6	20,000	21,117	78,800	119,917
Deafness	6	263,500	64,004	255,852	583,356
Fracture	7	249,810	42,938	259,227	551,975
Nerve Damage	8	1,494,917	192,469	576,208	2,263,594
Epilepsy	9	218,905	78,423	227,907	525,235
Respiratory Disorder/ Failure	10	121,214	35,794	170,489	327,497
Cardiovascular Condition	11	201,621	56,101	338,590	596,312
Other Infection	11	811,966	160,043	622,105	1,594,113
Other Visual Problems	12	249,621	49,742	180,935	480,298
Adtnl/unnecessary Operation(s)	15	738,648	63,783	594,094	1,396,525
Brain Damage	15	11,287,995	725,417	2,415,293	14,428,705
Renal Damage/ Failure	17	552,744	56,916	378,800	988,460
Stroke	18	5,225,607	603,025	2,268,857	8,097,489
Cardiac Arrest	27	1,626,262	293,084	1,278,566	3,197,912
Other	38	322,248	93,819	633,068	1,049,134
Thrombosis/Embolism	41	1,593,049	341,612	2,063,233	3,997,894
Anaphylact Shock/Allergic Shock/allergy	57	814,418	206,944	980,982	2,002,343
Psychiatric/Psychological Dmge	92	1,359,557	353,205	1,956,158	3,668,920
Fatality	102	4,434,741	716,290	3,202,333	8,353,364
Unnecessary Pain	227	4,405,053	724,049	4,435,029	9,564,131
Infertility	#	#	#	#	#
Paraplegia	#	#	#	#	#
Partial Hearing Loss	#	#	#	#	#
Hemiparesis	#	#	#	#	#
Partial Paralysis	#	#	#	#	#
Incontinence	#	#	#	#	#
Perforation	#	#	#	#	#
Burn(s)	#	#	#	#	#
Pressure Sores	#	#	#	#	#
Liver Damage	#	#	#	#	#
Cosmetic Disfigurement	#	#	#	#	#
Multiple Disabilities	#	#	#	#	#
Blindness	#	#	#	#	#
Anaesthetic	#	#	#	#	#
Dental Damage	#	#	#	#	#
Advanced Stage Cancer	#	#	#	#	#
Scalp Damage	#	#	#	#	#
Chronic Fatigue Syndrome	#	#	#	#	#
Bowel Damage/ Dysfunction	#	#	#	#	#
Hospital Acquired Infection	#	#	#	#	#
Tardive Dyskinesia	#	#	#	#	#
Joint Damage	#	#	#	#	#
Tendon Damage	#	#	#	#	#
Cancer	#	#	#	#	#
Amputation - Lower	#	#	#	#	#
Cerebral Palsy	#	#	#	#	#

Table 3: Number and Cost of Clinical Claims (excluding CNSGP and ELSGP) Closed/Settled with damages paid, where Medication Error was the Primary Cause, between financial years 2015/16 and 2019/20 and broken down by Primary Injury

Closed_Settled Clinical_NonClinical Claim_Outcome_FOI		Y Clinical Damages Paid				
Year of Closure (Settlement Year for PPOs)		No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Tissue Damage	#	#	#	#	#	#
Infectious Diseases	#	#	#	#	#	#
Ulcerative Colitis	#	#	#	#	#	#
Osteoporosis	#	#	#	#	#	#
Foot Drop	#	#	#	#	#	#
Lung Disease	#	#	#	#	#	#
Unwanted Pregnancy	#	#	#	#	#	#
Bruising/ Extravasation	#	#	#	#	#	#
Viral Infection	#	#	#	#	#	#
Grand Total	798	42,342,576	5,650,709	26,528,782	74,522,067	