

March 2021
FOI_4975

The following information was requested on 22 February 2021:

Re: Successful litigation claims against the NHS between 2002 and 2020

- **update request for data from 2018-2020** (same questions as for [FOI F/3290](#) which gave data for years 2002-2017) ;
- plus a request for further detail of individual claims:
 - circumstances of claim; a brief description of each incident, and
 - how much was the cost of each claim to the NHS/taxpayer (amount of payout or costs Awarded?)

this is a freedom of information request in accordance with s.1(1) Freedom of Information Act 2000 (FOIA) regarding data behind cases of successful litigation claims brought against the NHS between 2002 and 2020

Please refer to information supplied within NHS Resolution response to an FOI request: Freedom of Information F/3290 as per the link:

https://resolution.nhs.uk/wp-content/uploads/2018/09/FOI_3290_NHS-Ambulance-Service.pdf

My FOI request:

the same questions How many cases of litigation have been brought against NHS ambulance services since 2002?

What was the nature of these claims? for a breakdown of data as per FOI F/3290, for the period 2018-2020?

i.e.:

*1. Request for data from all successful claims (clinical or non-clinical) closed, or settled as a periodical payment order (PPO) for all NHS Ambulance Services Trusts (data grouped from 2002/3 to **2019/20**; **addition of data for years 2017-2020**).*

*2. How much was the cost / claim settlement award for **each individual clinical and non-clinical claim**, for cases from 2002-2020*?*

3. What were the circumstances (brief description of each incident) for each individual claim? (e.g.: including name of any equipment being used; what happened / what went wrong?).

This information I am requesting relates to c 4230 successful claims against the NHS (assuming case rate of c 230 year, given 3450 successful claims 2002-2017).

**I am particularly interested in costs/detail/common causation elements for:*

Clinical, harm to patients: as per Table 3 successful clinical claims

- *spinal damage (9 between 2002-17)*
- *brain damage*
- *fatality*
- *cardiac arrest*
- *unnecessary pain*
- *fracture*

Non-clinical, harms to staff (just staff) as per table 4 successful non clinical claims

- *orthopaedic injuries (2457) - breakdown to understand what types of injury; any equipment or working practices implicated*
- *psychiatric damage (129 cases)*

Our Response

Please find attached the requested information.

We are unable to provide you with information about individual cases 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 of successful claims \(clinical\) closed, or settled as a periodical payment order \(PPO\) for all NHS Ambulance Services Trusts \(data grouped from 2002/3 to 2019/20\)](#)

[Table 2: Number of successful claims \(non-clinical\) closed, or settled as a periodical payment order \(PPO\) for all NHS Ambulance Services Trusts \(data grouped from 2002/3 to 2019/20\)](#)

[Table 3: Number of successful claims \(clinical\) closed, or settled as a PPO for all NHS Ambulance Services Trusts summarised by top 10 injuries \(data grouped from 2002/3 to 2019/20\)](#)

[Table 4: Number of successful claims \(non-clinical\) closed, or settled as a PPO for all NHS Ambulance Services Trusts summarised by top 10 injuries \(data grouped from 2002/3 to 2019/20\)](#)

[Table 5: Number of successful claims \(clinical\) closed, or settled as a PPO for all NHS Ambulance Services Trusts summarised by top 10 causes \(data grouped from 2002/3 to 2019/20\)](#)

[Table 6: Number of successful claims \(non-clinical\) closed, or settled as a PPO for all NHS Ambulance Services Trusts summarised by top 10 causes \(data grouped from 2002/3 to 2019/20\)](#)

[Table 7: Number and Damages Paid of Claims Closed or Settled for all NHS Ambulance Services Trusts, with damages paid between financial years 2002/2 and 2019/20](#)

**Table 1: Number of successful claims (clinical) closed, or settled as a periodical payment order (PPO)
for all NHS Ambulance Services Trusts (data grouped from 2002/3 to 2019/20)**

Closed_Settled	Y
Clinical_NonClinical	Clinical
Claim_Outcome	Successful
Closure_Year_or_PPOs_Settlement_Year	(Multiple Items)

No. of Claims
769

Table 2: Number of successful claims (non-clinical) closed, or settled as a periodical payment order (PPO) for all NHS Ambulance Services Trusts (data grouped from 2002/3 to 2019/20)

Closed_Settled	Y
Clinical_NonClinical	Non Clinical
Claim_Outcome	Successful
Closure_Year_or_PPOs_Settlement_Year	(Multiple Items)

No. of Claims
3,535

Table 3: Number of successful claims (clinical) closed, or settled as a PPO for all NHS Ambulance Services Trusts summarised by top 10 injuries (data grouped from 2002/3 to 2019/20))

Closed_Settled	Y
Clinical_NonClinical	Clinical
Claim_Outcome	Successful
Closure_Year_or_PPOs_Settlement_Year	(Multiple Items)

Primary Injury	No. of Claims
Fatality	197
Unnecessary Pain	160
Fracture	79
Cardiac Arrest	43
Psychiatric/Psychological Dmge	38
Brain Damage	25
Bruising/ Extravasation	25
Poor Outcome - Fractures Etc.	15
Spinal Damage	14
Nerve Damage	11
Grand Total	769

Table 4: Number of successful claims (non-clinical) closed, or settled as a PPO for all NHS Ambulance Services Trusts summarised by top 10 injuries (data grouped from 2002/3 to 2019/20))

Closed_Settled	Y
Clinical_NonClinical	Non Clinical
Claim_Outcome	Successful
Closure_Year_or_PPOs_Settlement_Year	(Multiple Items)

Primary Injury	No. of Claims
Orthopaedic Injuries	2,906
Psychiatric Damage	167
Head Injuries	75
Unknown	72
Injuries to Internal Organs	70
Other	53
Facial Injuries	50
Injuries affecting the senses	39
Sickness/Disease	30
Grand Total	3,535

Table 5: Number of successful claims (clinical) closed, or settled as a PPO for all NHS Ambulance Services Trusts summarised by top 10 causes (data grouped from 2002/3 to 2019/20)

Closed_Settled	Y
Clinical_NonClinical	Clinical
Claim_Outcome	Successful
Closure_Year_or_PPOs_Settlement_Year	(Multiple Items)

Primary Injury	No. of Claims
Fail / Delay Treatment	182
Lack Of Assistance/Care	132
Fail/Delay Admitting To Hosp.	106
Fail/Delay Referring To Hosp.	80
Failure/Delay Diagnosis	56
Inappropriate Treatment	55
Fail To Supervise	26
Inadequate Nursing Care	17
Operator Error	16
Other	13
Grand Total	769

Table 6: Number of successful claims (non-clinical) closed, or settled as a PPO for all NHS Ambulance Services Trusts summarised by top 10 causes (data grouped from 2002/3 to 2019/20)

Closed_Settled	Y
Clinical_NonClinical	Non Clinical
Claim_Outcome	Successful
Closure_Year_or_PPOs_Settlement_Year	(Multiple Items)

Primary Injury	No. of Claims
Defective Tools/Equip	627
Slip or Trip	573
Manual Handling Regulations	355
Provision and Use of Work Equipment Regulations	353
Workplace (Health, Safety and Welfare) Regulations	328
Manual Handling	311
Other	200
Sharps Injury	129
Lifting/Loading/Unloading	119
Hit by Object	116
Grand Total	3,535

Table 7: Number and Damages Paid of Claims Closed or Settled for clinical and non-clinical for all NHS Ambulance Services Trusts, with damages paid between financial years 2002/2 and 2019/20

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid
2002/03	59	1,359,033
2003/04	130	624,375
2004/05	171	2,094,909
2005/06	188	1,522,804
2006/07	196	4,900,721
2007/08	236	3,281,875
2008/09	228	3,821,078
2009/10	178	2,258,053
2010/11	205	3,983,443
2011/12	294	6,597,851
2012/13	293	4,254,518
2013/14	321	8,357,243
2014/15	392	11,616,311
2015/16	338	13,309,076
2016/17	287	12,040,618
2017/18	302	10,364,025
2018/19	250	23,127,890
2019/20	236	11,829,668
Grand Total	4,304	125,343,492