



Resolution

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FOI_5008

The following information was requested on 30 March 2021:

Please can you provide the number of court and out-of-court settlements (specifying which is which) issued by United Lincolnshire Hospitals NHS Trust (ULHT) between 2018 to 2020? I initially put this FOI request into ULHT, who informed me this will need sent to you as you hold the data.

If this can please be broken down by what the settlement was for and how much was paid out by the trust (both to the complainant and in legal fees)?

Our Response

Please find attached the requested information. The data provided relates to financial years and not calendar years. The data covers clinical and non-clinical claims.

In relation to your request for court and out of court settlements we have interpreted this to mean at trial and without a trial whether litigated or not.

The data shows an increase in damages paid in relation to claims settled in the financial year 2019/20. This is a reflection of the nature of individual claims received by NHS Resolution which can vary significantly. As such these fluctuations cannot be interpreted as trends. The data provided reflects the number of claims settled and paid in each financial year and not the number of claims received in that year by NHS Resolution. Due to the nature of clinical negligence claims and the level of investigation needed to bring them to a resolution, claims received and notified in a specific year may take years to settle.

We have suppressed low numbers and information that could lead to identification of individuals 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 with damages paid for United Lincolnshire Hospitals NHS Trust between financial years 2018/19 and 2019/20](#)

[Table 2: Number and Cost of Claims Closed/Settled with NIL damages paid for United Lincolnshire Hospitals NHS Trust between financial years 2018/19 and 2019/20](#)

[Table 3: Number and Cost of Claims Closed/Settled with damages paid by main Cause for United Lincolnshire Hospitals NHS Trust between financial years 2018/19 and 2019/20](#)

[Table 4: Number and Cost of Claims Closed/Settled with damages paid by main Injury for United Lincolnshire Hospitals NHS Trust between financial years 2018/19 and 2019/20](#)

Table 1: Number and Cost of Claims Closed/Settled with damages paid for United Lincolnshire Hospitals NHS Trust between financial years 2018/19 and 2019/20

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
No Trial					
2018/19	118	10,199,022	1,654,500	4,431,002	16,284,524
2019/20	125	16,313,998	1,866,883	5,373,636	23,554,516
Trial					
2018/19	#	#	#	#	#

Table 2: Number and Cost of Claims Closed/Settled with NIL damages paid for United Lincolnshire Hospitals NHS Trust between financial years 2018/19 and 2019/20

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	NIL Damages

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
No Trial					
2018/19	45	0	125,271	0	125,271
2019/20	33	0	153,312	0	153,312
Grand Total	78	0	278,583	0	278,583

Table 3: Number and Cost of Claims Closed/Settled with damages paid by main Cause for United Lincolnshire Hospitals NHS Trust between financial years 2018/19 and 2019/20

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
No Trial					
2018/19	118	10,199,022	1,654,500	4,431,002	16,284,524
Breach of COSHH	#	#	#	#	#
Defective Tools/Equip	#	#	#	#	#
Equipment Malfunction	#	#	#	#	#
Err With Agnt/Dose/Route/Selec	#	#	#	#	#
Fail / Delay Treatment	30	1,822,111	507,125	1,416,357	3,745,592
Fail To Monitor 1st Stg Labour	#	#	#	#	#
Fail To Recog. Complication Of	#	#	#	#	#
Fail To Supervise	#	#	#	#	#
Fail To Warn-Informed Consent	#	#	#	#	#
Fail/Delay Referring To Hosp.	#	#	#	#	#
Failure To Interpret X-Ray	#	#	#	#	#
Failure To Perform Operation	#	#	#	#	#
Failure To Perform Tests	#	#	#	#	#
Failure To X-Ray	#	#	#	#	#
Failure/Delay Diagnosis	13	1,737,579	153,005	649,686	2,540,270
Fell into From Object	#	#	#	#	#
Foreign Body Left In Situ	#	#	#	#	#
Hit by Object	5	76,257	4,039	36,799	117,094
Inadequate Nursing Care	7	70,000	15,123	95,000	180,123
Inappropriate Discharge	#	#	#	#	#
Inappropriate Treatment	#	#	#	#	#
Intra-Op Problems	16	622,727	109,417	399,165	1,131,309
Intubation Problems	#	#	#	#	#
Lack Of Assistance/Care	#	#	#	#	#
Lack Of Pre-Op Evaluation	#	#	#	#	#
Manual Handling Regulations	#	#	#	#	#
Medication Errors	#	#	#	#	#
Operator Error	#	#	#	#	#
Provision and Use of Work Equipment Regulations	#	#	#	#	#
Sharps Injury	#	#	#	#	#
Slip or Trip	#	#	#	#	#
Workplace (Health, Safety and Welfare) Regulations	#	#	#	#	#
Wrong Diagnosis	#	#	#	#	#
2019/20	125	16,313,998	1,866,883	5,373,636	23,554,516
Application Of Excess Force	#	#	#	#	#
Assault	#	#	#	#	#
Defective Tools/Equip	#	#	#	#	#
Delay In Performing Operation	#	#	#	#	#
Fail / Delay Treatment	29	7,458,243	401,819	1,235,880	9,095,943
Fail To Act On Abnorm Test Res	#	#	#	#	#
Fail To Infrm Test Rsults	#	#	#	#	#
Fail To Monitor 2nd Stg Labour	#	#	#	#	#
Fail To Recog. Complication Of	#	#	#	#	#
Fail To Warn-Informed Consent	#	#	#	#	#
Fail/Delay Admitting To Hosp.	#	#	#	#	#
Failure To Interpret X-Ray	#	#	#	#	#
Failure/Delay Diagnosis	22	793,244	245,938	947,066	1,986,248
Foreign Body Left In Situ	#	#	#	#	#
Hit by Object	#	#	#	#	#
Inadequate Nursing Care	7	131,000	51,211	176,550	358,761
Inadqte Monitor In Recov Room	#	#	#	#	#
Inappropriate Discharge	#	#	#	#	#
Inappropriate Treatment	6	570,657	46,264	164,200	781,121
Intra-Op Problems	21	1,957,004	344,689	964,545	3,266,238
Lack Of Assistance/Care	#	#	#	#	#
Lack Of Pre-Op Evaluation	#	#	#	#	#
Manual Handling Regulations	#	#	#	#	#
Medication Errors	#	#	#	#	#
Operator Error	#	#	#	#	#
Perform. Of Op. Not Indicated	#	#	#	#	#
Slip or Trip	#	#	#	#	#
Workplace (Health, Safety and Welfare) Regulations	#	#	#	#	#
Wrong Diagnosis	#	#	#	#	#
Wrong Site Surgery	#	#	#	#	#
Trial					
2018/19	#	#	#	#	#
#	#	#	#	#	#

Table 4: Number and Cost of Claims Closed/Settled with damages paid by main Injury for United Lincolnshire Hospitals NHS Trust between financial years 2018/19 and 2019/20

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
No Trial					
2018/19	118	10,199,022	1,654,500	4,431,002	16,284,524
Adtnl/unnecessary Operation(s)	16	2,038,527	423,878	1,115,886	3,578,290
Amputation - Upper	#	#	#	#	#
Bile Duct Damage	#	#	#	#	#
Blindness	#	#	#	#	#
Brain Damage	#	#	#	#	#
Burn(s)	#	#	#	#	#
Cancer	#	#	#	#	#
Cardiac Arrest	#	#	#	#	#
Dental Damage	#	#	#	#	#
Facial Injuries	#	#	#	#	#
Fatality	17	1,257,500	261,218	669,832	2,188,550
Fracture	5	107,609	25,868	119,050	252,527
Head Injuries	#	#	#	#	#
Hernia	#	#	#	#	#
Infectious Diseases	#	#	#	#	#
Infertility	#	#	#	#	#
Injuries to Internal Organs	#	#	#	#	#
Nerve Damage	#	#	#	#	#
Orthopaedic Injuries	17	273,117	92,795	268,665	634,577
Other Visual Problems	#	#	#	#	#
Partial Paralysis	#	#	#	#	#
Perforation	#	#	#	#	#
Poor Outcome - Fractures Etc.	#	#	#	#	#
Pressure Sores	6	76,500	12,502	99,250	188,252
Psychiatric Damage	#	#	#	#	#
Psychiatric/Psychological Dmge	#	#	#	#	#
Respiratory Disorder/ Failure	#	#	#	#	#
Stillborn	#	#	#	#	#
Thrombosis/Embolism	#	#	#	#	#
Tissue Damage	#	#	#	#	#
Unnecessary Pain	21	277,152	66,143	365,000	708,295
2019/20	125	16,313,998	1,866,883	5,373,636	23,554,516
Adtnl/unnecessary Operation(s)	11	896,712	143,292	503,203	1,543,207
Amputation - Upper	#	#	#	#	#
Bowel Damage/ Dysfunction	#	#	#	#	#
Cancer	#	#	#	#	#
Cardiac Arrest	#	#	#	#	#
Cardiovascular Condition	#	#	#	#	#
Erb's Palsy	#	#	#	#	#
Facial Injuries	#	#	#	#	#
Fatality	14	1,268,559	210,418	528,514	2,007,490
Fistula	#	#	#	#	#
Fracture	5	62,500	8,771	75,283	146,554
Head Injuries	#	#	#	#	#
Hospital Acquired Infection	#	#	#	#	#
Infertility	#	#	#	#	#
Joint Damage	#	#	#	#	#
Loss Of/Damage To Breast	#	#	#	#	#

Table 4: Number and Cost of Claims Closed/Settled with damages paid by main Injury for United Lincolnshire Hospitals NHS Trust between financial years 2018/19 and 2019/20

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Meningitis	#	#	#	#	#
Nerve Damage	#	#	#	#	#
Orthopaedic Injuries	11	163,716	41,116	142,841	347,673
Other Infection	#	#	#	#	#
Other Visual Problems	#	#	#	#	#
Perforation	#	#	#	#	#
Poor Outcome - Fractures Etc.	5	1,811,531	269,899	647,414	2,728,844
Pressure Sores	#	#	#	#	#
Psychiatric/Psychological Dmge	#	#	#	#	#
Removal Of Fallopian Tube	#	#	#	#	#
Removal Of Testicle	#	#	#	#	#
Scarring	#	#	#	#	#
Spinal Damage	#	#	#	#	#
Stillborn	#	#	#	#	#
Stroke	#	#	#	#	#
Tendon Damage	#	#	#	#	#
Thrombosis/Embolism	#	#	#	#	#
Tissue Damage	#	#	#	#	#
Unnecessary Pain	36	2,975,729	164,667	970,438	4,110,834
Trial					
2018/19	#	#	#	#	#
#	#	#	#	#	#
#	#	#	#	#	#