



## Resolution

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May 2021

FOI\_5050

The following information was requested on 6 May 2021:

- 1. How many clinical negligence claims involving a fatality were paid out in each of the following financial years? (i) 2015/16, (ii) 2016/17, (iii) 2017/18, (iv) 2018/19 and (v) 2019/20.*
- 2. For each financial year what was the total amount of damages paid?*
- 3. For each financial year what was the highest single claim settled for a fatality claim?*
- 4. For the financial year 2019/20, please provide a breakdown of the cause of death, where a claim has been made of negligence involving the death and a payout was made to the claimant?*
- 5. For the last five years of claims which ten NHS Trusts have had the most number of claims made against them for fatality where a payout has been made? For each of these ten trusts please provide (i) the name of the trust, (ii) the number of fatality claims paid out in the five-year period and (iii) the total value of the damages paid out in those claims.*

### Our Response

Please find attached the requested information. This information only covers England and not the rest of the UK.

We are unable to provide you with the information held in respect of Q3 and 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/>

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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 1: Number of clinical negligence claims with damages paid closed between financial years 2015/16 and 2019/20 where the injury was 'Fatality'**

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Closed	Y
Clinical_NonClinical	Clinical
Claim_Outcome_FOI	Damages Paid

Year of Closure	No. of Claims	Damages Paid
2015/16	738	45,183,484
2016/17	887	61,705,411
2017/18	888	72,830,012
2018/19	889	65,589,974
2019/20	969	74,861,034
<b>Grand Total</b>	<b>4,371</b>	<b>320,169,914</b>

**Table 2: The ten NHS trusts with the most clinical negligence claims with damages paid closed between financial years 2015/16 and 2019/20 where the injury was 'Fatality'**

Closed	Y
Clinical_NonClinical	Clinical
Claim_Outcome_FOI	Damages Paid
Trust_YN	Y

Year of Closure	No. of Claims	Damages Paid
----- NHS Trust Name		
<b>2015/16</b>		
University Hospitals of North Midlands NHS Trust	22	309,953
Mid and South Essex NHS Foundation Trust	20	1,706,965
University Hospitals Birmingham NHS Foundation Trust	20	833,401
United Lincolnshire Hospitals NHS Trust	16	609,426
Barts Health NHS Trust	15	1,253,594
University Hospitals Sussex NHS Foundation Trust	14	370,512
University Hospitals of Leicester NHS Trust	14	781,204
Blackpool Teaching Hospitals NHS Foundation Trust	11	899,306
University Hospitals Bristol & Weston NHS Foundation Trust	11	293,936
University Hospitals Coventry & Warwickshire NHS Trust	10	391,470
<b>2016/17</b>		
University Hospitals of Leicester NHS Trust	20	838,332
University Hospitals Birmingham NHS Foundation Trust	19	1,504,850
Barking, Havering and Redbridge University Hospitals NHS Trust	19	376,000
Mid and South Essex NHS Foundation Trust	18	822,227
Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust	16	776,667
Nottingham University Hospitals NHS Trust	16	814,243
Barts Health NHS Trust	16	1,581,324
Liverpool University Hospitals NHS Foundation Trust	15	1,207,000
Royal Free London NHS Foundation Trust	14	1,180,784
University Hospitals Sussex NHS Foundation Trust	13	518,750
<b>2017/18</b>		
Mid and South Essex NHS Foundation Trust	26	838,059
Manchester University NHS Foundation Trust	23	1,716,588
University Hospitals Birmingham NHS Foundation Trust	21	955,340
King's College Hospital NHS Foundation Trust	17	1,674,219
County Durham and Darlington NHS Foundation Trust	16	1,192,000
United Lincolnshire Hospitals NHS Trust	14	1,535,206
University Hospitals of Leicester NHS Trust	13	619,271
Pennine Acute Hospitals NHS Trust (The)	13	983,798
The Leeds Teaching Hospitals NHS Trust	13	499,500
Bedfordshire Hospitals NHS Foundation Trust	12	618,521
<b>2018/19</b>		
Pennine Acute Hospitals NHS Trust (The)	24	585,773
University Hospitals Birmingham NHS Foundation Trust	24	1,968,617
Manchester University NHS Foundation Trust	22	2,047,957
Mid and South Essex NHS Foundation Trust	21	1,507,513
The Leeds Teaching Hospitals NHS Trust	19	1,508,971
Nottingham University Hospitals NHS Trust	18	689,871
United Lincolnshire Hospitals NHS Trust	18	1,512,500
Mid Yorkshire Hospitals NHS Trust (The)	17	1,365,361
Sheffield Teaching Hospitals NHS Foundation Trust	17	1,260,907
Barts Health NHS Trust	14	1,858,286
<b>2019/20</b>		
Barts Health NHS Trust	27	1,467,024
Pennine Acute Hospitals NHS Trust (The)	22	1,227,248
Mid and South Essex NHS Foundation Trust	20	1,229,833
Nottingham University Hospitals NHS Trust	19	1,063,922
United Lincolnshire Hospitals NHS Trust	17	2,012,559
University Hospitals Birmingham NHS Foundation Trust	17	2,732,675
Manchester University NHS Foundation Trust	17	1,035,007
East Suffolk North Essex NHS Foundation Trust	16	1,444,627
Mid Yorkshire Hospitals NHS Trust (The)	16	1,636,354
Liverpool University Hospitals NHS Foundation Trust	15	323,939

**Table 3: Number of clinical negligence claims with damages paid closed in financial year 2019/20 where the injury was 'Fatality' showing the primary cause**

Year of Closure	No. of Claims	Damages Paid
----- Primary Causes		
<b>2019/20</b>	<b>969</b>	<b>74,861,034</b>
Equipment Malfunction	#	#
Fail / Delay Treatment	261	22,137,670
Fail To Carry Out PO Observs.	5	316,116
Fail To Follow-Up Arrangements	12	598,806
Fail To Recog. Complication Of	22	2,404,594
Fail To Supervise	28	544,696
Fail To Warn-Informed Consent	12	1,155,750
Failure To Interpret X-Ray	20	2,271,849
Failure To Perform Operation	5	281,274
Failure/Delay Diagnosis	158	14,551,488
Inadequate Monitoring Intra-Op	#	#
Inadequate Nursing Care	89	2,060,803
Inadqte Monitor In Recov Room	#	#
Inappropriate Treatment	50	3,089,718
Intra-Op Problems	15	1,059,981
Lack Of Assistance/Care	12	237,202
Other	6	149,000
Delay In Performing Operation	8	545,000
Operator Error	12	1,264,470
Fail To Make Resp To Abnrm FHR	5	524,000
Fail To Monitor 1st Stg Labour	6	237,270
Not Specified	#	#
Fail/Delay Admitting To Hosp.	16	1,892,621
Fail To Monitor 2nd Stg Labour	6	562,085
Fail Antenatal Screening	#	#
Infusion Problems	#	#
Lack Of Pre-Op Evaluation	#	#
Fail To Act On Abnorm Test Res	24	2,759,039
Wrong Diagnosis	8	1,011,500
Fail/Delay Referring To Hosp.	6	472,235
Fail To Interpret USS	#	#
Medication Errors	29	935,527
Inapp Use Of Forceps/Ventouse	#	#
Err With Agnt/Dose/Route/Selec	6	340,910
Perform. Of Op. Not Indicated	#	#
Failure To Perform Tests	33	3,974,993
Bacterial Infection	7	256,953
Inappropriate Discharge	23	1,302,339
Unexpected Death	26	4,317,233
Intubation Problems	#	#
Premature Ceasure Of Treatment	#	#
Fail To Infrm Test Rslts	#	#
Failure To X-Ray	#	#
Fail/Delay Resus By Paediatric	#	#
InhospMaternalDeathPostPartumHaemorrCS	#	#
MisplacedNaso/OrogastricTubeNotDet	6	151,549
Injured By Another Patient	#	#
Self Harm	21	1,197,790
Wrong Route Admin of Chemotherapy	#	#
Injury To Others By Patient	#	#
<b>Grand Total</b>	<b>969</b>	<b>74,861,034</b>