



Resolution

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July 2021
FOI_5080

The following information was requested on 2 June 2021:

Please provide a table providing the number and cost of claims closed/settled with damages paid from a date as far back as possible to current day regarding fail to warn - informed consent.

Please provide a table providing the number and cost of claims closed/settled with no damages paid from a date as far back as possible to current day regarding fail to warn - informed consent.

Please provide a table providing the Analysis of Specialties for claims closed/settled with damages paid from a date as far back as possible to current day regarding fail to warn - informed consent.

Please provide a table providing the Analysis of Hospital Trusts for claims closed/settled with damages paid from a date as far back as possible to current day regarding fail to warn - informed consent.

Please provide a table of the number and cost of claims closed/settled with damages paid from a date as far back as possible to current day regarding COVID-19 for 'fail to warn - informed consent'.

Our Response

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

In terms of your last question please note there are no claims which meet this criteria.

The data shows an increase in damages paid in relation to claims closed 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 closed in each financial year (or settled with a periodical payment order) with damages paid 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 figures as we believe that disclosure of information with this level of granularity is exempt under Section 40(2) by virtue of section 40(3A)(a) 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.

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: The number and cost of claims closed (includes the damages paid to date for any claims settled on a periodical payment order basis) between 1995/96 – 2019/20 with damages paid to date regarding fail to warn - informed consent

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid
1997/98	#	#
1999/00	#	#
2000/01	7	198,250
2001/02	33	980,398
2002/03	50	1,799,026
2003/04	59	1,739,094
2004/05	94	1,942,781
2005/06	77	4,105,302
2006/07	84	6,256,938
2007/08	77	2,746,843
2008/09	92	11,008,635
2009/10	101	6,004,426
2010/11	135	7,716,209
2011/12	125	12,333,618
2012/13	134	7,150,712
2013/14	122	9,605,009
2014/15	139	10,974,362
2015/16	130	9,999,659
2016/17	158	11,038,764
2017/18	202	23,441,970
2018/19	206	21,934,549
2019/20	282	40,937,542

Table 2: The number of claims closed between 1995/96 – 2019/20 with no damages paid regarding fail to warn - informed consent

Year of Closure (Settlement Year for PPOs)	No. of Claims
1995/96	#
1996/97	5
1997/98	#
1998/99	12
1999/00	15
2000/01	7
2001/02	27
2002/03	84
2003/04	102
2004/05	105
2005/06	86
2006/07	106
2007/08	73
2008/09	59
2009/10	77
2010/11	71
2011/12	73
2012/13	100
2013/14	92
2014/15	135
2015/16	129
2016/17	142
2017/18	146
2018/19	155
2019/20	165
Grand Total	1,972

Table 3: Analysis of Specialities for claims closed (includes the damages paid to date for any claims settled on a periodical payment order basis) between 1995/96 – 2019/20 with damages paid regarding fail to warn - informed consent

Specialities	No. of Claims	Damages Paid
Ambulance	#	#
Anaesthesia	57	10,760,411
Audiological Medicine	#	#
Cardio Surgery	17	650,396
Cardiology	27	1,448,846
Chemical Pathology/ Biochemistry	#	#
Chiropody	#	#
Community Medicine/ Public Health	#	#
Dentistry	55	743,718
Dermatology	24	288,490
Emergency Medicine	14	299,627
Endocrinology	#	#
Forensic Pathology	#	#
Gastroenterology	29	2,770,360
General Medicine	43	5,521,365
General Practice	#	#
General Surgery	342	21,948,905
Genetics	#	#
Genito-Urinary Medicine	6	128,849
Geriatric Medicine	#	#
Gynaecology	365	19,692,703
Haematology	7	1,160,250
Histopathology	#	#
HM Prison Medical/dental	#	#
Infectious Diseases	#	#
Intensive Care Medicine	#	#
Neurology	9	846,800
Neurosurgery	38	19,262,707
Non-Clinical Staff	#	#
Not Specified	#	#
Obstetrics	128	31,806,340
Oncology	26	1,832,997
Ophthalmology	82	4,670,546
Oral & Maxillo Facial Surgery	83	2,135,117
Orthopaedic Surgery	438	36,504,956
Other	#	#
Otorhinolaryngology/ ENT	96	4,481,573
Paediatric Surgery	5	112,250
Paediatrics	#	#
Palliative Medicine	#	#
Physiotherapy	#	#
Plastic Surgery	97	4,332,848
Podiatry	10	571,489
Psychiatry/ Mental Health	9	446,942
Radiology	20	1,233,038

Table 3: Analysis of Specialties for claims closed (includes the damages paid to date for any claims settled on a periodical payment order basis) between 1995/96 – 2019/20 with damages paid regarding fail to warn - informed consent

Specialities	No. of Claims	Damages Paid
Radiotherapy	#	#
Renal Medicine	#	#
Respiratory Medicine/ Thoracic Medic	11	846,840
Rheumatology	7	115,522
Surgical Speciality - Other	39	4,097,790
Unknown	#	#
Urology	132	5,814,252
Vascular Surgery	44	4,528,461

Table 4: Analysis of Hospital Trusts for claims closed (includes the damages paid to date for any claims settled on a periodical payment order basis) between 1995/96 – 2019/20 with damages paid regarding fail to warn - informed consent

Closed_Settled Scheme Claim_Outcome_FOI	Y CNST Damages Paid	
Member's name	No. of Claims	Damages Paid
Number of trusts with fewer than 5 claims: 112	186	19,911,620
University Hospitals Birmingham NHS Foundation Trust	54	5,926,143
Hull University Teaching Hospitals NHS Trust	38	2,720,944
Mid and South Essex NHS Foundation Trust	37	1,726,185
East Kent Hospitals University NHS Foundation Trust	36	1,746,124
United Lincolnshire Hospitals NHS Trust	36	2,491,296
South Tyneside and Sunderland NHS Foundation Trust	35	1,320,978
Manchester University NHS Foundation Trust	35	1,937,250
Blackpool Teaching Hospitals NHS Foundation Trust	32	2,503,884
Pennine Acute Hospitals NHS Trust (The)	31	1,089,005
Liverpool Women's Hospital NHS Foundation Trust	31	1,296,500
County Durham and Darlington NHS Foundation Trust	30	929,071
University Hospitals Sussex NHS Foundation Trust	30	3,584,394
Worcestershire Acute Hospitals NHS Trust	29	1,216,168
Frimley Health NHS Foundation Trust	28	1,173,358
Newcastle Upon Tyne Hospitals NHS Foundation Trust (The)	28	3,093,276
University Hospitals of North Midlands NHS Trust	27	5,292,341
Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust	26	2,522,850
Mid Yorkshire Hospitals NHS Trust (The)	26	2,753,885
Lancashire Teaching Hospitals NHS Foundation Trust	26	10,750,538
Guy's and St Thomas' NHS Foundation Trust	26	1,505,082
Northern Lincolnshire & Goole Hospitals NHS Foundation Trust	25	874,336
The Leeds Teaching Hospitals NHS Trust	25	415,835
University Hospitals of Leicester NHS Trust	25	1,718,169
North Tees & Hartlepool NHS Foundation Trust	25	1,155,944
Sandwell & West Birmingham Hospitals NHS Trust	24	778,520
Imperial College Healthcare NHS Trust	23	4,530,841
Liverpool University Hospitals NHS Foundation Trust	23	950,490
Sheffield Teaching Hospitals NHS Foundation Trust	23	1,313,485
Nottingham University Hospitals NHS Trust	23	3,627,728
Barts Health NHS Trust	23	2,713,278
East Lancashire Hospitals NHS Trust	22	1,788,367
Royal Cornwall Hospitals NHS Trust	22	906,855
Norfolk & Norwich University Hospitals NHS Foundation Trust	22	1,469,365
East Suffolk and North Essex NHS Foundation Trust	21	1,182,003
North Bristol NHS Trust	21	1,230,874
St Helens and Knowsley Teaching Hospitals NHS Trust	21	896,666
University Hospitals Bristol & Weston NHS Foundation Trust	20	648,758
Royal Devon and Exeter NHS Foundation Trust	20	1,091,335
NHS Commissioning Board	20	985,284
Chelsea & Westminster Hospital NHS Foundation Trust	20	868,369
Northumbria Healthcare NHS Foundation Trust	19	618,022
King's College Hospital NHS Foundation Trust	19	2,492,853
Walsall Healthcare NHS Trust	19	1,247,347
Maidstone and Tunbridge Wells NHS Trust	19	1,038,955
Oxford University Hospitals NHS Foundation Trust	19	2,268,323
Wrightington, Wigan and Leigh NHS Foundation Trust	19	647,723
University Hospitals Coventry & Warwickshire NHS Trust	19	1,018,403
Royal Free London NHS Foundation Trust	18	1,058,277
University College London Hospitals NHS Foundation Trust	18	3,162,343
University Hospitals Dorset NHS Foundation Trust	17	526,966
James Paget University Hospitals NHS Foundation Trust	17	635,499
Bedfordshire Hospitals NHS Foundation Trust	17	1,481,303
Sherwood Forest Hospitals NHS Foundation Trust	17	599,214
York and Scarborough Teaching Hospitals NHS Foundation Trust	16	968,696
Princess Alexandra Hospital NHS Trust (The)	16	860,529
Bradford Teaching Hospitals NHS Foundation Trust	16	333,680
Gloucestershire Hospitals NHS Foundation Trust	16	967,584
University Plymouth Hospitals NHS Trust	16	1,099,951
The Rotherham NHS Foundation Trust	16	1,640,021
Torbay & South Devon NHS Foundation Trust	16	433,764
Countess of Chester Hospital NHS Foundation Trust	16	413,323
Medway NHS Foundation Trust	15	1,102,566
Gateshead Health NHS Foundation Trust	15	596,782
Barking, Havering and Redbridge University Hospitals NHS Trust	15	297,015
South Tees Hospitals NHS Foundation Trust	15	427,800
West Hertfordshire Hospitals NHS Trust	15	1,043,250
Tameside and Glossop Integrated Care NHS Foundation Trust	15	1,253,666
Dudley Group NHS Foundation Trust (The)	15	1,373,073
Epsom and St Helier University Hospitals NHS Trust	15	1,179,187
East Sussex Healthcare NHS Trust	14	937,318
Wirral University Teaching Hospital NHS Foundation Trust	14	782,718
North West Anglia NHS Foundation Trust	14	10,247,546
Croydon Health Services NHS Trust	14	1,684,737
Cambridge University Hospitals NHS Foundation Trust	14	818,435
St George's University Hospitals NHS Foundation Trust	14	8,056,497
University Hospitals of Derby and Burton NHS Foundation Trust	14	405,625
Oxford Radcliffe Hospitals NHS Trust	13	1,762,516

Table 4: Analysis of Hospital Trusts for claims closed (includes the damages paid to date for any claims settled on a periodical payment order basis) between 1995/96 – 2019/20 with damages paid regarding fail to warn - informed consent

East and North Hertfordshire NHS Trust	13	247,374
University Hospitals of Morecambe Bay NHS Foundation Trust	13	854,493
Bolton Hospitals NHS Foundation Trust	12	1,326,183
Somerset NHS Foundation Trust	12	549,925
Calderdale & Huddersfield NHS Foundation Trust	12	2,032,062
Homerton University Hospital NHS Foundation Trust	12	404,957
Portsmouth Hospitals NHS Trust	12	714,066
Barnsley Hospital NHS Foundation Trust	11	337,500
Dorset County Hospital NHS Foundation Trust	11	405,112
Buckinghamshire Healthcare NHS Trust	11	190,066
Royal Surrey County Hospital NHS Foundation Trust (The)	11	605,413
Royal United Hospitals Bath NHS Foundation Trust	11	297,722
Airedale NHS Foundation Trust	11	287,739
Southport and Ormskirk Hospital NHS Trust	10	236,368
Salford Royal NHS Foundation Trust	10	1,943,744
Great Western Hospitals NHS Foundation Trust	10	244,393
Royal Berkshire NHS Foundation Trust	10	2,942,830
University Hospital Southampton NHS Foundation Trust	10	629,150
Dartford and Gravesham NHS Trust	10	416,810
George Eliot Hospital NHS Trust	10	327,375
Warrington and Halton Hospitals NHS Foundation Trust	10	1,049,213
London North West University Healthcare NHS Trust	9	360,115
Ashford & St Peter's Hospitals NHS Foundation Trust	9	235,500
Salisbury NHS Foundation Trust	9	1,435,887
Lewisham & Greenwich NHS Trust	9	481,450
Queen Victoria Hospital NHS Foundation Trust	9	364,750
Stockport NHS Foundation Trust	9	691,000
Northern Devon Healthcare NHS Trust	8	204,572
Hampshire Hospitals NHS Foundation Trust	8	187,685
Shrewsbury and Telford Hospital NHS Trust	8	381,660
Northampton General Hospital NHS Trust	8	1,383,447
Chesterfield Royal Hospital NHS Foundation Trust	8	339,531
Harrogate & District NHS Foundation Trust	7	605,905
Ramsay Healthcare	7	2,014,487
Wye Valley NHS Trust	7	303,710
Surrey and Sussex Healthcare NHS Trust	7	395,056
North Middlesex University Hospital NHS Trust	7	205,500
Royal Wolverhampton NHS Trust (The)	7	65,750
North West London Hospitals NHS Trust (The)	7	1,346,825
North Cumbria Integrated Care NHS Foundation Trust	6	2,346,905
Kingston Hospital NHS Trust	6	147,752
Mid Staffordshire NHS Foundation Trust	6	247,559
Kettering General Hospital NHS Foundation Trust	6	493,104
The Royal Orthopaedic Hospital NHS Foundation Trust	5	81,250
The Queen Elizabeth Hospital King's Lynn NHS Foundation Trust	5	460,786
Barnet and Chase Farm Hospitals NHS Trust	5	235,500
Whittington Health NHS Trust	5	225,250
West Suffolk NHS Foundation Trust	5	305,473
Hillingdon Hospitals NHS Foundation Trust (The)	5	109,186
Whipps Cross University Hospital NHS Trust	5	173,000
Royal National Orthopaedic Hospital NHS Trust	5	166,600