



Resolution

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FOI_5181

The following information was requested on 6 September 2021:

1. *For each of the last three financial years (i) 2018/19, (ii) 2019/20 and (iii) 2020/21 please state how many claims were paid out in that year and what was the total value of those claims paid out in that year where either the first or second recorded 'cause' logged for the claim was 'inadequate nursing care'?*

Note: I require the data relating to the number of payouts and the value of the payouts made in the year, regardless of when the claim was actually lodged.

2. *In relation to the claims paid out in each year under Question 1 please provide me with a breakdown of the numbers that were logged under each type of injury claim?*
3. *In relation to the claims paid out in each year in Question 1 which 5 Trusts had the highest value of claim payments made against them. Please name the Trust, the total value of these paid claims that were paid out the year and the number paid out by the Trust in that year.*

Note: If you do not yet have finalised data for the 2020/21 financial year then please just provide me with data for each of the two earlier years.

Our Response

Please find attached the requested information.

Please note we have suppressed low figures and 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(3A) (a) of the Freedom of Information Act 2000, 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.

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/>

TABLE OF CONTENTS

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 between financial years 2018/19 to 2020/21 with damages paid where the primary or secondary cause is recorded as inadequate nursing care \(includes the damages paid to date for any claims settled on a periodical payment order basis\)](#)

[Table 2: Analysis by Primary Injury of Claims closed between financial years 2018/19 to 2020/21 with damages paid where Inadequate nursing care is recorded as the primary or secondary cause](#)

[Table 3: Top 5 Trusts \(Damages paid\) for Claims closed between financial years 2018/19 to 2020/21 where Inadequate nursing care is recorded as the primary or secondary cause \(includes the damages paid to date for any claims settled on a periodical payment order basis\)](#)

Table 1: Number and Cost of Claims Closed between financial years 2018/19 to 2020/21 with damages paid where the primary or secondary cause is recorded as inadequate nursing care (includes the damages paid to date for any claims settled on a periodical payment order basis)

Closed_Settled	Y
Scheme	(All)
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Costs paid	Total Paid
2018/19	561	43,278,375	4,031,317	19,286,882	66,596,574
2019/20	570	19,901,545	3,550,953	16,008,597	39,461,094
2020/21	511	26,785,630	3,785,639	15,644,873	46,216,142
Grand Total	1,642	89,965,550	11,367,908	50,940,352	152,273,810

Table 2: Analysis by Primary Injury of Claims closed between financial years 2018/19 to 2020/21 with damages paid where Inadequate nursing care is recorded as the primary or secondary cause

Closed_Settled	Y
Scheme	(All)
Claim_Outcome_FOI	Damages Paid

No. of Claims Primary Injury Types	Year of Closure/Settlement Year for PPOs		
	2018/19	2019/20	2020/21
Adtnl/unnecessary Operation(s)	6	16	9
Amputation - Lower	10	8	6
Amputation - Upper	#	0	#
Cosmetic Disfigurement	#	#	#
Dental Damage	0	0	#
Fatality	66	74	62
Nerve Damage	#	#	#
Other	#	6	#
Other Visual Problems	0	#	0
Poor Outcome - Fractures Etc.	#	#	#
Pressure Sores	225	175	185
Psychiatric/Psychological Dmge	5	7	6
Scarring	11	8	6
Spinal Damage	#	#	0
Unnecessary Pain	52	54	44
Fracture	106	120	107
Erb's Palsy	0	0	#
Tissue Damage	5	16	5
Multiple Disabilities	#	0	#
Multiple Injuries	#	#	#
Dislocation	#	#	0
Other Infection	7	#	#
Bruising/ Extravasation	13	18	11
Thrombosis/Embolism	#	#	#
Respiratory Disorder/ Failure	#	#	#
Bowel Damage/ Dysfunction	#	#	5
Tendon Damage	#	#	0
Renal Damage/ Failure	#	#	#
Incontinence	0	#	#
Infectious Diseases	#	#	#
Bladder Damage	#	#	#
Liver Damage	0	#	0
Fistula	0	#	0
Bile Duct Damage	0	#	0
Burn(s)	5	8	7
Paraplegia	#	0	#
Brain Damage	10	#	12
Stroke	0	0	#
Joint Damage	0	#	0
Cardiac Arrest	#	#	5
Hospital Acquired Infection	#	#	#
Cerebral Palsy	#	0	#
Loss Of Baby	0	#	0
Stillborn	#	#	#
Anaphylact Shock/Allergic Shock/allergy	#	#	#
Foot Drop	0	#	0
Hemiparesis	0	#	0
Malnutrition	0	#	0
Arterial Damage	0	#	0
Scalp Damage	0	#	0
Bodily Harm/Murder	#	0	0
Oedema	#	0	#
Viral Infection	#	0	0
Malignant Tumour	#	0	0
Aneurysm	0	0	#

Table 2: Analysis by Primary Injury of Claims closed between financial years 2018/19 to 2020/21 with damages paid where Inadequate nursing care is recorded as the primary or secondary cause

Closed_Settled Scheme	Y (All)
Claim_Outcome_FOI	Damages Paid

No. of Claims	Year of Closure/Settlement Year for PPOs		
Grand Total	561	570	511

Table 3: Top 5 Trusts (Damages paid) for Claims closed between financial years 2018/19 to 2020/21 where Inadequate nursing care is recorded as the primary or secondary cause (includes the damages paid to date for any claims settled on a periodical payment order basis)

Closed_Settled
 Scheme
 Claim_Outcome_FOI

Year of Closure (Settlement Year for PPOs) ----- Member Name	No. of Claims	Damages Paid
2018/19	19	25,540,510
#	#	#
#	#	#
Epsom and St Helier University Hospitals NHS Trust	5	5,292,740
Barking, Havering and Redbridge University Hospitals NHS Trust	8	3,531,615
#	#	#
2019/20	13	7,521,717
#	#	#
#	#	#
#	#	#
Portsmouth Hospitals NHS Trust	5	522,913
#	#	#
2020/21	23	11,227,441
York and Scarborough Teaching Hospitals NHS Foundation Trust	6	4,873,500
#	#	#
Royal Wolverhampton NHS Trust (The)	8	1,973,819
#	#	#
#	#	#