



# Resolution

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**Telephone:** 020 7811 2700

November 2021  
FOI\_5209

The following information was requested on 27 September 2021:

- 1. How much has the NHS paid in compensation to NHS patients for operations and treatments in non NHS hospitals and treatment centre in (a) 2019/20 and (b) 2020/21 and what was the most common injury category for payment in each of those years?*
- 2. Can you provide a table of all the injury codes for the cohort of payouts in relation to Question 1 and the number of claims against each code?*

*Note: The question refers to when the payout was made regardless of when the claim was lodged or when the incident happened.*

## **Our Response**

Please find attached the details of claims recorded against independent sector healthcare providers treating NHS patients who are members of our indemnity scheme. The numbers are likely to include a few cases where treatment was in the community, as opposed to on the premises of private providers.

Please note there are a small number of claims not included where a Trust has sub-contracted work to a private hospital and it is a term of the arrangement that the Trust agrees to accept liability (for whatever reason) and we log such cases against the Trust. It is not possible to identify these from our Claims Management System as we do not have a code for them.

Please note 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.

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 between financial years 2019/20 and 2020/21 with damages paid (includes the damages paid to date for any claims settled on a periodical payment order basis) for NHS patients referred to Independent Providers.

Table 2: Analysis of Primary Injuries by Number of Claims for Claims Closed in the financial year 2019/20 and 2020/21 (includes the damages paid to date for any claims settled on a periodical payment order basis) with damages paid for NHS patients referred to Independent Providers.

**Table 1: Number and Cost of Claims Closed between financial years 2019/20 and 2020/21 with damages paid (includes the damages paid to date for any claims settled on a periodical payment order basis) for NHS patients referred to Independent Providers.**

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|                      |              |
|----------------------|--------------|
| Closed_Settled       | Y            |
| Clinical_NonClinical | (All)        |
| Claim_Outcome_FOI    | Damages Paid |

| Year of Closure (Settlement Year for PPOs) | No. of Claims | Damages Paid      |
|--|---------------|-------------------|
| 2019/20                                    | 174           | 11,391,382        |
| 2020/21                                    | 182           | 13,757,553        |
| <b>Grand Total</b>                         | <b>356</b>    | <b>25,148,935</b> |

**Table 2: Analysis of Primary Injuries by Number of Claims for Claims Closed in the financial year 2019/20 and 2020/21 (includes the damages paid to date for any claims settled on a periodical payment order basis) with damages paid for NHS patients referred to Independent Providers.**

|                      |              |
|----------------------|--------------|
| Closed_Settled       | Y            |
| Clinical_NonClinical | (All)        |
| Claim_Outcome_FOI    | Damages Paid |

| Year of Closure (Settlement Year for PPOs) | No. of Claims | Damages Paid |
|--|---------------|--------------|
| <b>2019/20</b>                             |               |              |
| Adtnl/unnecessary Operation(s)             | 34            | 1,805,533    |
| Unnecessary Pain                           | 27            | 815,207      |
| Pressure Sores                             | 12            | 134,250      |
| Poor Outcome - Fractures Etc.              | 10            | 307,762      |
| Nerve Damage                               | 9             | 826,423      |
| Fracture                                   | 7             | 436,566      |
| Joint Damage                               | 5             | 327,851      |
| Amputation - Lower                         | 5             | 845,610      |
| Thrombosis/Embolism                        | 5             | 319,533      |
| Advanced Stage Cancer                      | #             | #            |
| Amputation - Upper                         | #             | #            |
| Arterial Damage                            | #             | #            |
| Bile Duct Damage                           | #             | #            |
| Bladder Damage                             | #             | #            |
| Blindness                                  | #             | #            |
| Bowel Damage/ Dysfunction                  | #             | #            |
| Bruising/ Extravasation                    | #             | #            |
| Burn(s)                                    | #             | #            |
| Cancer                                     | #             | #            |
| Cardiac Arrest                             | #             | #            |
| Compartment Syndrome                       | #             | #            |
| Cosmetic Disfigurement                     | #             | #            |
| Dental Damage                              | #             | #            |
| Dislocation                                | #             | #            |
| Fatality                                   | #             | #            |
| Foot Drop                                  | #             | #            |
| Liver Damage                               | #             | #            |
| Multiple Injuries                          | #             | #            |
| Not Specified                              | #             | #            |
| Other                                      | #             | #            |
| Other Infection                            | #             | #            |
| Other Visual Problems                      | #             | #            |
| Psychiatric/Psychological Dmge             | #             | #            |
| Removal Of Cervix                          | #             | #            |
| Scarring                                   | #             | #            |
| Spinal Damage                              | #             | #            |
| Tendon Damage                              | #             | #            |

**Table 2: Analysis of Primary Injuries by Number of Claims for Claims Closed in the financial year 2019/20 and 2020/21 (includes the damages paid to date for any claims settled on a periodical payment order basis) with damages paid for NHS patients referred to Independent Providers.**

|                      |              |
|----------------------|--------------|
| Closed_Settled       | Y            |
| Clinical_NonClinical | (All)        |
| Claim_Outcome_FOI    | Damages Paid |

| Year of Closure (Settlement Year for PPOs) | No. of Claims | Damages Paid |
|--|---------------|--------------|
| Tissue Damage                              | #             | #            |
| Unwanted Pregnancy                         | #             | #            |
| Loss Of Sexual Function                    | #             | #            |
| <b>2020/21</b>                             |               |              |
| Adtnl/unnecessary Operation(s)             | 48            | 2,783,682    |
| Unnecessary Pain                           | 25            | 990,530      |
| Pressure Sores                             | 8             | 97,383       |
| Poor Outcome - Fractures Etc.              | 8             | 338,279      |
| Nerve Damage                               | 9             | 741,630      |
| Fracture                                   | 8             | 357,143      |
| Joint Damage                               | 5             | 1,410,299    |
| Amputation - Lower                         | #             | #            |
| Thrombosis/Embolism                        | #             | #            |
| Advanced Stage Cancer                      | #             | #            |
| Bile Duct Damage                           | 5             | 518,881      |
| Bladder Damage                             | #             | #            |
| Blindness                                  | #             | #            |
| Bowel Damage/ Dysfunction                  | #             | #            |
| Bruising/ Extravasation                    | #             | #            |
| Burn(s)                                    | #             | #            |
| Cancer                                     | #             | #            |
| Cardiac Arrest                             | #             | #            |
| Cosmetic Disfigurement                     | #             | #            |
| Dental Damage                              | #             | #            |
| Dislocation                                | #             | #            |
| Fatality                                   | #             | #            |
| Fistula                                    | #             | #            |
| Foot Drop                                  | #             | #            |
| Hospital Acquired Infection                | #             | #            |
| Incontinence                               | #             | #            |
| Infertility                                | #             | #            |
| Loss Of Baby                               | #             | #            |
| Loss Of Kidney                             | #             | #            |
| Multiple Disabilities                      | #             | #            |
| Multiple Injuries                          | #             | #            |
| Oedema                                     | #             | #            |
| Other Infection                            | #             | #            |
| Other Visual Problems                      | 7             | 114,745      |

**Table 2: Analysis of Primary Injuries by Number of Claims for Claims Closed in the financial year 2019/20 and 2020/21 (includes the damages paid to date for any claims settled on a periodical payment order basis) with damages paid for NHS patients referred to Independent Providers.**

|                      |              |
|----------------------|--------------|
| Closed_Settled       | Y            |
| Clinical_NonClinical | (All)        |
| Claim_Outcome_FOI    | Damages Paid |

| Year of Closure (Settlement Year for PPOs) | No. of Claims | Damages Paid      |
|--|---------------|-------------------|
| Paraplegia                                 | #             | #                 |
| Psychiatric/Psychological Dmge             | #             | #                 |
| Removal Of Testicle                        | #             | #                 |
| Rupture                                    | #             | #                 |
| Scalp Damage                               | #             | #                 |
| Scarring                                   | #             | #                 |
| Spinal Damage                              | #             | #                 |
| Stroke                                     | #             | #                 |
| Tendon Damage                              | #             | #                 |
| Tissue Damage                              | #             | #                 |
| Unwanted Pregnancy                         | #             | #                 |
| <b>Grand Total</b>                         | <b>356</b>    | <b>25,148,935</b> |