



Resolution

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November 2021
FOI_5212

The following information was requested on 1 October 2021:

This question relates to all settlements that have been made by the NHSLA and NHS Resolution where the settlement figure of compensation was equal to or in excess of £5million, or the total budgeted payment was estimated to be equal to or in excess of £5million (this is for a staged payment where the initial payment may be less than £5m but over the life of the claim you have budgeted to pay out more than £5m).

For each settlement please provide the trust name, damages paid and/or total damages budgeted to be paid, injury and speciality.

Please could this data be provided for the last financial year (2020/21).

NOTE: These questions relate to when the claim was paid or closed, not when the claim was lodged or when the incident took place.

Our Response

Please find attached the following dataset:

Table 1 – shows the number and cost of claims settled with a damages payment equal to or greater than £5m or where the estimated future liability is equal to or greater than £5m closed (or settled with a PPO) in financial year 2020/21 with a breakdown of members that had 5 or more claims.

Please also note the damages against Mid and South Essex NHS FT in the year 2020/21 in table 1 will be influenced by the fact that this trust acquired two dissolved NHS trusts on 1/4/2020 and the dissolved trusts' claims will now show against Mid and South Essex.

Table 2 – shows analysis of Primary Injuries where the number of claims is 5 or greater, for the claims settled with a damages payment equal to or greater than £5m or where the estimated future liability is equal to or greater than £5m closed (or settled with a PPO) in financial year 2020/21.

Please note the numbers will not match table 1. There will be injuries not mentioned with fewer than 5 claims. This information has been refused on data protection grounds. Please see our reasoning below.

Table 3 – shows analysis of Specialties where the number of claims is 5 or greater, for the claims settled with a damages payment equal to or greater than £5m or where the estimated

future liability is equal to or greater than £5m closed (or settled with a PPO) in financial year 2020/21.

Please note the numbers will not match table 1. There will be specialties not mentioned with fewer than 5 claims. This information has been refused on data protection grounds. Please see our reasoning below.

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.

Table 1: Analysis of Members for Claims Closed/Settled in financial year 2020/21 with a damages payment equal to or greater than £5m, or where the estimated future liability is equal to or greater than £5m, and the number of claims is 5 or greater (includes the damages paid to date for any claims settled on a periodical payment order basis)

Table 2: Analysis of Primary Injuries for Claims Closed/Settled in financial year 2020/21 with a damages payment equal to or greater than £5m or where the estimated future liability is equal to or greater than £5m, and the number of claims is 5 or greater (includes the damages paid to date for any claims settled on a periodical payment order basis)

Table 3: Analysis of Primary Specialty for Claims Closed/Settled in financial year 2020/21 with a damages payment equal to or greater than £5m or where the estimated future liability is equal to or greater than £5m, and the number of claims is 5 or greater (includes the damages paid to date for any claims settled on a periodical payment order basis).

Table 1: Analysis of Members for Claims Closed/Settled in financial year 2020/21 with a damages payment equal to or greater than £5m, or where the estimated future liability is equal to or greater than £5m, and the number of claims is 5 or greater (includes the damages paid to date for any claims settled on a periodical payment order basis)

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs) ----- Member Name	No. of Claims	Total Damages
2020/21	117	1,382,451,258
Mid and South Essex NHS Foundation Trust	7	88,971,336
Grand Total	117	1,382,451,258

Table 2: Analysis of Primary Injuries for Claims Closed/Settled in financial year 2020/21 with a damages payment equal to or greater than £5m or where the estimated future liability is equal to or greater than £5m, and the number of claims is 5 or greater (includes the damages paid to date for any claims settled on a periodical payment order basis)

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)	No. of Claims	Total Damages
----- Primary Injuries		
2020/21	117	1,382,451,258
Cerebral Palsy	55	681,587,567
Brain Damage	43	525,184,373
Grand Total	117	1,382,451,258

Table 3: Analysis of Primary Specialty for Claims Closed/Settled in financial year 2020/21 with a damages payment equal to or greater than £5m or where the estimated future liability is equal to or greater than £5m, and the number of claims is 5 or greater (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	Total Damages
----- Primary Specialty		
2020/21	117	1,382,451,258
Obstetrics	87	1,112,368,568
Paediatrics	10	105,931,410
Grand Total	117	1,382,451,258