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**Telephone:** 020 7811 2700

March 2022 FOI 5329

The following information was requested on 4 February 2022:

In a previous FoI response [Ref: FoI\_2999] you provided details on the number of claims and the payments made to people issuing claims under the category 'medication errors'. Could you please provide me with similar information, specifically:

- 1. I would like to know the number of successful claims paid out by NHS Resolution in the last financial year (2020/21) as well as the total amount of compensation paid to these claimants in each financial year?
- 2. Could you also supply me with tables showing the aggregate totals for medication error claims for the last five financial years which give (a) the number of successful claims, (b) damages paid, (c) defence costs paid, (d) claimants cost paid and (e) total paid broken down by the speciality.
- 3. Could you also supply me with tables showing the aggregate totals for medication error claims for the five financial years which give (a) the number of successful claims, (b) damages paid, (c) defence costs paid, (d) claimants cost paid and (e) total paid broken down by the main type of harm. Please provide this in a similar format to a previous FoI response [Ref: FoI\_3607].

Please not that for all these questions I require the data to be provided based on the year the claim was paid out rather than when the incident took place, the claim was lodged or liability was accepted.

## **Our Response**

Please find attached the requested information.

We have supressed 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 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. 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 <a href="Tinku Mitra">Tinku Mitra</a>, 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/

Data correct as at: 2022-01-31



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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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<u>damages paid, where Medication Error was the Primary Cause, for financial year</u>
2020/21.

Table 2: Number and Cost of Clinical Claims Closed/Settled with damages paid, where Medication Error was the Primary Cause, between financial years 2016/17 and 2020/21 and broken down by Specialty.

<u>Table 3: Number and Cost of Clinical Claims Closed/Settled with damages paid,</u> where Medication Error was the Primary Cause, between financial years 2016/17 and 2020/21 and broken down by Primary Injury.

Freedom of Information Request# 5329

Data correct as at: 2022-01-31



Table 1: Number and Compensation of Clinical Claims Closed/Settled with damages paid, where Medication Error was the Primary Cause, for financial year 2020/21.

Closed\_Settled Υ Scheme (All)

Claim\_Outcome\_FOI Damages Paid

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid
2020/21	167	9,389,367
Grand Total	167	9,389,367



Table 2: Number and Cost of Clinical Claims Closed/Settled with damages paid, where Medication Error was the Primary Cause, between financial years 2016/17 and 2020/21 and broken down by Specialty.

Closed\_Settled Y
Scheme (All)
Claim\_Outcome\_FOI Damages Paid

D. 0.14	No. of Claims	Damages Paid	NHS Legal	Claimant Legal	Total Paid
Pimary Specialty	440		Costs Paid	Costs Paid	
General Medicine	118	2,843,226	573,059	2,855,230	6,271,516
Emergency Medicine	65	1,384,649	270,926	1,257,006	2,912,582
Orthopaedic Surgery	62	3,440,233	368,331	2,034,151	5,842,715
Anaesthesia	59	5,345,826	620,392	3,417,205	9,383,423
General Surgery	40	870,230	288,654	1,265,804	2,424,688
Obstetrics	34	3,659,207	385,990	2,057,882	6,103,079
Psychiatry/ Mental Health	34	1,437,740	274,628	2,032,694	3,745,062
Geriatric Medicine	30	548,430	124,848	650,403	1,323,681
Cardiology	28	604,153	116,217	645,238	1,365,608
Pharmacy	27	120,183	92,068	301,056	513,307
Paediatrics	25	4,895,663	316,568	949,781	6,162,011
HM Prison Medical/dental	25	110,152	66,316	153,637	330,104
Gastroenterology	24	799,609	133,769	893,841	1,827,219
General Practice	24	256,160	55,217	324,663	636,039
Respiratory Medicine/ Thoracic Medic	19	603,986	134,843	584,315	1,323,144
Neurology	18	387,599	102,681	614,083	1,104,363
Ophthalmology	18	1,027,299	134,338	479,164	1,640,801
Oncology	16	202,664	42,212	287,353	532,229
Urology	15	594,912	106,393	449,750	1,151,055
Neurosurgery	13	8,101,549	548,237	1,867,368	10,517,154
Haematology	11	2,567,426	171,801	983,753	3,722,980
Gynaecology	11	253,315	54,711	331,050	639,076
Renal Medicine	11	524,607	100,884	378,766	1,004,257
Endocrinology	10	104,332	38,004	136.838	279,173
Cardio Surgery	10	705,268	82,539	318,443	1,106,250
Intensive Care Medicine	10	155,500	17,981	165,385	338,866
Comm Mental Servs	9	164,000	75,227	281,936	521,163
Surgical Speciality - Other	8	686,100	94,181	340,060	1,120,341
Other	7	93,460	36,907	148,297	278,665
Rheumatology	7	2,515,330	221,854	759,170	3,496,353
Dermatology	6	39,000	24,149	145,975	209,124
Community Medicine/ Public Health	6	40,991	4,990	35,584	81,566
Nuclear Medicine	#	# #	#,550	#	#
Oral & Maxillo Facial Surgery	#	#	#	#	#
Otorhinolaryngology/ ENT	#	#	#	#	#
Plastic Surgery	#	#	#	#	#
Radiology	#	#	#	#	#
Vascular Surgery	#	#	#		#
<u> </u>				#	#
District Nursing	#	#	#	#	
Paediatric Surgery	#	#	#	#	#
Microbiology/ Virology	#	#	#	#	#
Genito-Urinary Medicine	#	#	#	#	#
Physiotherapy  Debability in a second control of the second contro	#	#	#	#	#
Rehabilitation	#	#	#	#	#
Non-Clinical Staff	#	#	#	#	#
Not Specified	#	#	#	#	#
Infectious Diseases	#	#	#	#	#
Ambulance	#	#	#	#	#
Miscellaneous	#	#	#	#	#
Grand Total	838	46,245,923	5,961,923	28,703,827	80,911,673



Table 3: Number and Cost of Clinical Claims Closed/Settled with damages paid, where Medication Error was the Primary Cause, between financial years 2016/17 and 2020/21 and broken down by Primary Injury.

Closed\_Settled Y
Scheme (All)

Claim\_Outcome\_FOI Damages Paid

Costs Paid   100		No. of Claims	Damages Paid	NHS Legal	Claimant Legal	Total Paid
Package	Pimary Injuries					
PsychiatricPsychological Dinge				,		10,248,723
Anaphylact Shock/Allergy Shock/allergy 56 815,218 201,317 972,054 1,986,581 Thrombosilism 45 1,824,051 369,378 2,243,327 4,385,750 Other 33 311,606 88,159 632,905 103,367 Cardiac Arrest 29 1,734,422 28,000 1,389,519 3,367,02 Renal Damage/ Failure 21 1,064,446 176,410 874,750 3,367,02 Renal Damage/ Failure 21 1,064,446 176,410 874,750 2,115,600 Stroke 21 5,791,214 42,114 2,055,275 8,236,000 Adm/lunnecessary Operation(s) 17 905,631 78,501 709,374 1633,590 Excised 21 5,715,214 42,114 2,055,275 8,236,000 Adm/lunnecessary Operation(s) 17 905,631 78,501 709,374 1633,590 Explained 21 1,064,466 176,410 874,750 1633,590 176,390 176				· · · · · · · · · · · · · · · · · · ·		
Thrombosis/Embolism				,		
Other Cardiac Arrest 20				,		
29   1,734,442   283,060   1,389,519   3,387,520						
Renal Damage Failure  21 1,064.466 176.410 874,750 2,115.60 Stricke  22 1 5,719.214 462,114 2,055.575 8,23.65 Adhhumneassary Operation(s)  17 995.631 78.501 709.374 1,693.50 Adhhumneassary Operation(s)  17 995.631 78.501 709.374 1,693.50 Adhhumneassary Operation(s)  18 11,534.059 734.033 2,284.419 14,552.51 Respiratory Disorder/ Failure  14 210,364 57,902 284.483 532.72 Acardiovasoular Condition  13 237,568 82,411 869.24 790.47 83.00 159.534 169.35 418.35 Other Infection  10 852,400 159.538 556.605 1,558.74 Multiple Injuries  9 28,100 25,534 109.55 1,558.74 Multiple Injuries  17 218,327 95.475 241.286 555.90 Epilepsy  17 218,327 95.475 241.286 555.90 Epilepsy  18 7 313,708 80,730 257.557 651.90 Epilepsy  18 7 284.810 43,424 274,747 552.89 Epilepsy  18 7 284.810 43,424 274,747 552.89 Epilepsy  19 24.100 25.535 100.00 169.535 200.00 Epilepsy  20 24.100 25.535 100.00 169.50 169.50 Epilepsy  21 26.500 64.004 255.552 2583.50 Epilepsy  22 25.500 55.60 Epilepsy  23 25.500 55.60 Epilepsy  24 25.500 55.60 Epilepsy  25 26.80 Epilepsy  26 27 284.810 43,424 274,747 552.89 Epilepsy  27 284.810 43,424 274,747 552.89 Epilepsy  28 26.80 Epilepsy  29 26.80 Epilepsy  20 26.80 Epilepsy  20 26.80 Epilepsy  21 26.80 Epilepsy  22 26.80 Epilepsy  23 26.80 Epilepsy  24 27 27 27 27 28 28 28 28 28 28 28 28 28 28 28 28 28			,	· · · · · · · · · · · · · · · · · · ·	,	1,033,670
Stroke 21 5,719,214 482,114 2,055,275 8,236,004 Authrulencessary Operation(s) 17 905,631 78,501 790,374 1,803,500 Brain Damage 15 11,534,059 734,033 2,284,418 14,552,572 Cardinovascular Condition 13 22,758 8,2416 46,432 57,902 264,463 532,721 Authrulencessary Operation(s) 13 237,588 62,411 460,492 780,477 Other Visual Problems 11 188,984 48,415 180,955 418,33 70 Other Infection 10 0852,400 159,538 62,411 480,495 1418,352,721 Authrulences 19 28,100 25,534 103,950 157,588,741 Authrulences 19 28,100 25,534 103,950 157,588,741 Authrulences 19 7, 218,327 95,475 241,288 555,096 Epilepsy 7 7 313,708 80,730 257,567 661,999 Facture 7 7 264,810 43,424 274,747 882,981 Tissue Damage 6 74,137 16,222 106,000 196,338 Addiction/Dependency 5 142,275 661,019 325,000 528,761 Envising Extravasation 5 12,650 10,546 50,395 73,591 Amputation - Uoper # # # # # # # # # # # # # # # # # # #		29				3,367,021
Adminimencessary Operation(s)  17 99.5.83						2,115,605
Brain Damage		21	5,719,214	462,114		8,236,603
Respiratory Disorder Failure  14 210,364 57,902 264,463 552,726 Cardiovascular Condition  13 237,558 82,241 460,492 780,477 Other Visual Problems  11 188,984 48,415 180,935 418,335 Other Infection  10 852,400 159,538 556,805 1,558,74 Utilitize Injuries  9 28,100 25,534 103,950 157,586 Nerve Damage  7 218,327 95,475 241,288 555,098 Epilepsy  7 313,708 80,730 257,557 661,999 Fracture  7 264,810 43,424 274,747 552,981 Tissue Damage  6 74,137 16,222 1160,000 196,358 Deafness  6 263,500 64,004 255,852 583,358 Addiction/Dependency  5 142,750 61,019 325,000 528,768 Enuising/Extravasation  5 12,650 11,014 50,3935 73,593 Amputation - Lower  Amputation - Lower  ###################################	Adtnl/unnecessary Operation(s)		905,631	78,501		1,693,506
Cardiovascular Condition   13   237,568   82,411   460,492   780,470   Differ Visual Problems   11   188,984   48,415   180,935   418,33   Other Infection   10   852,400   159,538   556,805   1,568,74   Multiple Injuries   9   28,100   25,534   103,950   157,58   Nerve Damage   7   218,327   95,475   241,288   555,096   Epilepsy   7   313,708   80,730   257,557   651,99   Epilepsy   7   248,810   43,424   247,474   582,98   Epilepsy   7   264,810   43,424   43,424   247,474   582,98   Epilepsy   7   264,810   43,424   44,424   44,424   44,424   Epilepsy   7   264,810   44,424   44,424   44,424   Epilepsy   7   264,810   44,424   44,424   Epilepsy   7   264,810   44,424   44,424   Epilepsy   7   264,810   44,424   Epilepsy   7   264,810   Epilepsy   7   26,810   Epilepsy   7   26,810	Brain Damage			734,033	2,284,418	14,552,510
Other Visual Problems         11         188,984         48,415         180,935         418,330           Other Infection         10         852,400         159,538         556,805         1,568,74           Multiple Injuries         9         28,100         25,534         103,950         157,588           Nerve Damage         7         218,327         95,475         241,288         555,09           Epilepsy         7         313,708         80,730         257,557         651,99           Fracture         7         264,810         43,424         274,747         582,88           Dearlness         6         74,137         16,222         106,000         196,359           Dearlness         6         263,500         64,042         255,852         583,358           Addiction/Dependency         5         142,750         61,019         325,000         528,768           Rusining/Extravasation         5         12,650         10,546         50,395         73,599           Amputation - Lower         #         #         #         #         #         #         #         #         #         #         #         #         #         #         #         #	Respiratory Disorder/ Failure	14	210,364	57,902	264,463	532,728
Other Infection         10         852,400         159,538         566,805         1,568,74           Multiple Injuries         9         28,100         25,534         103,950         157,58           Nerve Damage         7         218,327         95,475         241,288         555,09           Epilepsy         7         313,708         80,730         257,557         651,99           Fracture         7         264,810         43,424         274,747         562,851           Tissue Damage         6         74,137         16,222         106,000         196,359           Deafness         6         283,500         64,004         255,852         583,354           Addiction/Dependency         5         142,750         61,019         325,000         528,766           Pulsing Extravasation         5         12,650         10,546         60,395         73,593           Amputation - Lower         #	Cardiovascular Condition	13	237,568	82,411	460,492	780,472
Multiple Injuries  9	Other Visual Problems	11	188,984	48,415	180,935	418,334
Nerve Damage	Other Infection	10	852,400	159,538	556,805	1,568,743
Filepsy	Multiple Injuries	9	28,100	25,534	103,950	157,584
Fracture 7 264,810 43,424 274,747 582,98. Tissue Damage 6 74,137 16,222 100,000 193,355. Deafness 6 263,500 64,004 255,852 583,556. Addiction/Dependency 5 142,750 61,019 325,000 528,765. Bruising/ Extravasation 5 12,650 10,546 50,395 73,595. Amputation - Lower # # # # # # # # # # # # # # # # # # #	Nerve Damage	7	218,327	95,475	241,288	555,090
Tissue Damage 6 74,137 16,222 106,000 196,356 Deafness 6 263,500 64,004 255,852 583,356 Deafness 6 263,500 64,004 255,852 583,356 Bruising Extravasation 5 142,750 61,019 325,000 528,768 Bruising Extravasation 5 12,650 10,546 50,395 73,595 Amputation - Lower # # # # # # # # # # # # # # # # # # #	Epilepsy	7	313,708	80,730	257,557	651,994
Deafness 6 263,500 64,004 255,852 583,356 Addiction/Dependency 5 142,750 61,019 325,000 528,768 Ruising/ Extravasation 5 12,650 10,546 50,395 73,595 Amputation - Lower # # # # # # # # # # # # # # # # # # #	Fracture	7	264,810	43,424	274,747	582,982
Addiction/Dependency  5   142,750   61,019   325,000   528,768   51,050   10,546   50,395   73,593   7	Tissue Damage	6	74,137	16,222	106,000	196,359
Addiction/Dependency  5   142,750   61,019   325,000   528,768   51,050   10,546   50,395   73,593   7	Deafness	6				583,356
Bruising/ Extravasation 5 12,650 10,546 50,395 73,595 Amputation - Lower # # # # # # # # # # # # # # # # # # #	Addiction/Dependency	5		61.019		528,769
Amputation - Lower			,			73,592
Amputation - Upper Cosmetic Disfigurement # # # # # # # # # # # # # # # # # # #		#	#	· · · · · · · · · · · · · · · · · · ·		#
Cosmetic Disfigurement # # # # # # # # # # 1 1 1 1 1 1 1 1 1	· .					#
Dental Damage # # # # # # # # # # # # Not Specified # # # # # # # # # # # # # # # # # # #						#
Not Specified # # # # # # # # # # # # # # # # # # #						#
Pressure Sores # # # # # # # # # # # 5 Scarring # # # # # # # # # # 5 Scarring # # # # # # # # # # # 5 Scarring # # # # # # # # # # # 5 Osteoporosis # # # # # # # # # # # # # 5 Multiple Disabilities # # # # # # # # # # # # # # # 5 Bowel Damage/ Dysfunction # # # # # # # # # # # # # # # # # # #						#
			- 11			#
Osteoporosis # # # # # # # # # # # # # # # # # #						#
Multiple Disabilities         #						#
Bowel Damage			- 11			#
Tendon Damage # # # # # # # # # # Incontinence # # # # # # # # # # # # # # # # # # #						#
Incontinence # # # # # # # # # # # # # # # # # # #	· ·					#
Infectious Diseases # # # # # # # # # # # # # # # # # #	<u> </u>					#
Bladder Damage						#
# # # # # # # # # # # # # # # # # # #						#
Burn(s) # # # # # # # # # # # # # # # # # # #						#
Paraplegia       #						#
Infertility # # # # # # # # # # # # # # # # # # #						#
Joint Damage						#
Blindness # # # # # # # # # # # # # # # # # #						#
Cancer       # <td></td> <td></td> <td></td> <td></td> <td></td> <td></td>						
Advanced Stage Cancer       #						#
Reduced Life Expectancy       # <td></td> <td></td> <td></td> <td></td> <td></td> <td></td>						
Hospital Acquired Infection # # # # # # # # # # # # # # # # # # #						#
Cerebral Palsy       #						#
Foot Drop						#
Hemiparesis       # <td< td=""><td></td><td></td><td></td><td></td><td></td><td>#</td></td<>						#
Partial Hearing Loss       #						#
Lung Disease       # <t< td=""><td></td><td></td><td></td><td></td><td></td><td>#</td></t<>						#
Tardive Dyskinesia       #						#
Anaesthetic # # # # # # Partial Paralysis # # # # # # # # # # # # # # # # # #						#
Partial Paralysis # # # # # #	Tardive Dyskinesia					#
	Anaesthetic					#
Scalp Damage # # # # # # #	Partial Paralysis					#
	Scalp Damage	#	#	#	#	#



Table 3: Number and Cost of Clinical Claims Closed/Settled with damages paid, where Medication Error was the Primary Cause, between financial years 2016/17 and 2020/21 and broken down by Primary Injury.

 Closed\_Settled
 Y

 Scheme
 (All)

 Claim\_Outcome\_FOI
 Damages Paid

Pimary Injuries	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Viral Infection	#	#	#	#	#
Chronic Fatigue Syndrome	#	#	#	#	#
Grand Total	838	46.245.923	5.961.923	28.703.827	80.911.673