



Resolution

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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 note 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 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(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 [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 Compensation of Clinical Claims Closed/Settled with damages paid, where Medication Error was the Primary Cause, for financial year 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.](#)

[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.](#)

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	Y
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 Speciality.

Closed_Settled	Y
Scheme	(All)
Claim_Outcome_FOI	Damages Paid

----- Primary Speciality	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total 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	#	#	#	#	#
Oral & Maxillo Facial Surgery	#	#	#	#	#
Otorhinolaryngology/ ENT	#	#	#	#	#
Plastic Surgery	#	#	#	#	#
Radiology	#	#	#	#	#
Vascular Surgery	#	#	#	#	#
District Nursing	#	#	#	#	#
Paediatric Surgery	#	#	#	#	#
Microbiology/ Virology	#	#	#	#	#
Genito-Urinary Medicine	#	#	#	#	#
Physiotherapy	#	#	#	#	#
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

----- Primary Injuries	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Unnecessary Pain	228	4,761,065	764,517	4,723,141	10,248,723
Fatality	105	4,669,933	766,306	3,397,583	8,833,821
Psychiatric/Psychological Dmge	104	1,907,876	429,014	2,212,678	4,549,569
Anaphylact Shock/Allergic Shock/allergy	56	813,218	201,317	972,054	1,986,589
Thrombosis/Embolism	45	1,824,051	369,378	2,243,327	4,436,756
Other	33	311,606	89,159	632,905	1,033,670
Cardiac Arrest	29	1,734,442	263,060	1,369,519	3,367,021
Renal Damage/ Failure	21	1,064,446	176,410	874,750	2,115,605
Stroke	21	5,719,214	462,114	2,055,275	8,236,603
Adtnl/unnecessary Operation(s)	17	905,631	78,501	709,374	1,693,506
Brain Damage	15	11,534,059	734,033	2,284,418	14,552,510
Respiratory Disorder/ Failure	14	210,364	57,902	264,463	532,728
Cardiovascular Condition	13	237,568	82,411	460,492	780,472
Other Visual Problems	11	188,984	48,415	180,935	418,334
Other Infection	10	852,400	159,538	556,805	1,568,743
Multiple Injuries	9	28,100	25,534	103,950	157,584
Nerve Damage	7	218,327	95,475	241,288	555,090
Epilepsy	7	313,708	80,730	257,557	651,994
Fracture	7	264,810	43,424	274,747	582,982
Tissue Damage	6	74,137	16,222	106,000	196,359
Deafness	6	263,500	64,004	255,852	583,356
Addiction/Dependency	5	142,750	61,019	325,000	528,769
Bruising/ Extravasation	5	12,650	10,546	50,395	73,592
Amputation - Lower	#	#	#	#	#
Amputation - Upper	#	#	#	#	#
Cosmetic Disfigurement	#	#	#	#	#
Dental Damage	#	#	#	#	#
Not Specified	#	#	#	#	#
Pressure Sores	#	#	#	#	#
Scarring	#	#	#	#	#
Osteoporosis	#	#	#	#	#
Multiple Disabilities	#	#	#	#	#
Bowel Damage/ Dysfunction	#	#	#	#	#
Tendon Damage	#	#	#	#	#
Incontinence	#	#	#	#	#
Infectious Diseases	#	#	#	#	#
Bladder Damage	#	#	#	#	#
Liver Damage	#	#	#	#	#
Burn(s)	#	#	#	#	#
Paraplegia	#	#	#	#	#
Infertility	#	#	#	#	#
Joint Damage	#	#	#	#	#
Blindness	#	#	#	#	#
Cancer	#	#	#	#	#
Advanced Stage Cancer	#	#	#	#	#
Reduced Life Expectancy	#	#	#	#	#
Hospital Acquired Infection	#	#	#	#	#
Cerebral Palsy	#	#	#	#	#
Foot Drop	#	#	#	#	#
Hemiparesis	#	#	#	#	#
Partial Hearing Loss	#	#	#	#	#
Lung Disease	#	#	#	#	#
Tardive Dyskinesia	#	#	#	#	#
Anaesthetic	#	#	#	#	#
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

----- Primary 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