



Resolution

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March 2022

FOI_5295

The following information was requested on 13 January 2022 and clarified on 25 January 2022:

[Clarified on 25 January 2022]

If it isn't too much of an admin burden, 3-5 years data would be amazing. Failing that, 12-24 months would be fine.

[Requested on 13 January 2022]

I would like to make an FOI request for the following information please:

- 1. What is the total cost of litigation settlements to the NHS on an annual basis as a result of medication errors? To include Adverse Drug Effects and Death.*
- 2. Is this data available down to Trust level?*

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 Cost of CNST Claims Closed between financial years 2016/17 and 2020/21 with a primary cause of medication error with damages paid (includes the damages paid to date for any claims settled on a periodical payment order basis)

Table 2: Breakdown by Trusts (with 5 or more claims) of the number and cost of claims closed between financial years 2016/17 and 2020/21 with the primary cause of medication error with damages paid (includes the damages paid to date for any claims settled on a periodical payment order basis)

Table 1: Number and Cost of CNST Claims Closed between financial years 2016/17 and 2020/21 with a primary cause of medication error with damages paid (includes the damages paid to date for any claims settled on a periodical payment order basis)

Closed_Settled	Y
Scheme	CNST
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)	No of Claims	Damages Paid	Claimant Legal Costs Paid	NHS Legal Costs Paid	Total Paid
2016/17	177	4,537,778	4,800,488	840,691	10,178,956
2017/18	161	9,137,309	6,018,849	1,128,168	16,284,326
2018/19	160	7,403,652	4,795,302	1,138,225	13,337,179
2019/20	165	10,757,912	6,392,155	1,408,994	18,559,060
2020/21	154	9,298,598	6,035,272	1,218,848	16,552,718
Grand Total	817	41,135,248	28,042,066	5,734,925	74,912,239

Table 2: Breakdown by Trusts (with 5 or more claims) of the number and cost of claims closed between financial years 2016/17 and 2020/21 with the primary cause of medication error with damages paid (includes the damages paid to date for any claims settled on a periodical payment order basis)

Closed_Settled	Y
Scheme	CNST
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs) ---- Member Name	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
All other trusts with less than 5 claims (104 Trusts)	224	10,750,635	1,807,809	19,665,019	20,935,491
Mid and South Essex NHS Foundation Trust	20	287,200	56,624	349,962	693,786
Nottinghamshire Healthcare NHS Foundation Trust	18	267,406	24,591	136,637	428,633
Manchester University NHS Foundation Trust	18	750,000	95,874	630,550	1,476,424
Liverpool University Hospitals NHS Foundation Trust	17	2,245,177	87,834	446,074	2,779,085
University Hospitals Sussex NHS Foundation Trust	16	400,600	38,368	386,104	825,072
Nottingham University Hospitals NHS Trust	14	5,741,051	324,483	1,336,071	7,401,605
University Hospitals Birmingham NHS Foundation Trust	14	296,916	116,015	452,587	865,517
United Lincolnshire Hospitals NHS Trust	14	1,096,477	144,087	509,925	1,750,489
University Hospitals of Leicester NHS Trust	13	742,718	106,433	402,572	1,251,723
South Tees Hospitals NHS Foundation Trust	13	217,500	30,806	109,269	357,575
Northern Care Alliance NHS Foundation Trust	13	368,286	72,954	407,278	848,518
Sheffield Teaching Hospitals NHS Foundation Trust	13	279,200	104,525	349,513	733,238
Bolton Hospitals NHS Foundation Trust	13	136,500	13,078	103,650	253,228
Barts Health NHS Trust	12	879,500	67,637	585,100	1,532,237
The Leeds Teaching Hospitals NHS Trust	11	198,350	32,411	167,917	398,678
Norfolk & Norwich University Hospitals NHS Foundation Trust	11	146,500	51,081	207,490	405,071
Lancashire Teaching Hospitals NHS Foundation Trust	10	105,587	44,122	140,950	290,659
East Lancashire Hospitals NHS Trust	10	69,060	18,812	102,109	189,981
Northern Lincolnshire & Goole Hospitals NHS Foundation Trust	9	401,090	20,714	227,600	649,404
Hull University Teaching Hospitals NHS Trust	9	1,250,425	86,306	549,253	1,885,984
University Hospitals Dorset NHS Foundation Trust	9	276,718	111,382	286,282	674,381
Barnsley Hospital NHS Foundation Trust	9	93,335	33,193	206,393	332,921
East Suffolk and North Essex NHS Foundation Trust	9	326,129	51,639	367,506	745,274
University Hospitals of Derby and Burton NHS Foundation Trust	9	310,003	93,353	214,570	617,927
University Plymouth Hospitals NHS Trust	9	335,697	69,949	396,490	802,136
Portsmouth Hospitals NHS Trust	8	1,742,847	138,388	997,000	2,878,236
Northumbria Healthcare NHS Foundation Trust	8	136,100	9,454	119,880	265,434
Somerset NHS Foundation Trust	8	452,195	115,476	625,600	1,193,271
Wrightington, Wigan and Leigh NHS Foundation Trust	8	206,876	66,964	220,109	493,949
Ramsay Healthcare	8	1,361,101	33,853	205,485	1,600,439
Barking, Havering and Redbridge University Hospitals NHS Trust	8	812,208	98,177	565,250	1,475,635
University Hospital Southampton NHS Foundation Trust	8	56,100	18,256	79,450	153,806
University College London Hospitals NHS Foundation Trust	7	684,851	184,343	1,227,986	2,097,179
Royal Free London NHS Foundation Trust	7	310,666	37,867	210,650	559,183
St George's University Hospitals NHS Foundation Trust	7	141,750	36,740	173,894	352,384
Frimley Health NHS Foundation Trust	7	342,750	53,017	244,750	640,517
University Hospitals Coventry & Warwickshire NHS Trust	7	373,190	74,484	219,547	667,221
Oxford University Hospitals NHS Foundation Trust	7	227,250	50,465	233,855	511,570
Mid Yorkshire Hospitals NHS Trust (The)	7	540,990	46,215	164,300	751,505
West Hertfordshire Hospitals NHS Trust	7	162,891	39,761	173,738	376,389
Lancashire and South Cumbria NHS Foundation Trust	7	19,304	7,800	50,451	77,555
Wirral University Teaching Hospital NHS Foundation Trust	7	144,932	21,179	136,919	303,031
St Helens and Knowsley Teaching Hospitals NHS Trust	7	603,086	58,895	243,678	905,659
North Tees & Hartlepool NHS Foundation Trust	6	84,000	7,600	84,942	176,542
Walsall Healthcare NHS Trust	6	67,600	26,613	116,500	210,713
Pennine Acute Hospitals NHS Trust (The)	6	91,846	39,355	125,150	256,351
Sandwell & West Birmingham Hospitals NHS Trust	6	81,077	35,065	113,800	229,942
Epsom and St Helier University Hospitals NHS Trust	6	153,300	20,870	104,000	278,170
Dorset HealthCare NHS Foundation Trust	6	27,146	6,993	54,800	88,939
Maidstone and Tunbridge Wells NHS Trust	6	177,710	25,489	152,250	355,449
Bedfordshire Hospitals NHS Foundation Trust	6	54,482	18,134	67,000	139,616
Dudley Group NHS Foundation Trust (The)	6	401,411	82,183	313,931	797,525
North Bristol NHS Trust	6	89,500	50,853	278,058	418,411
Surrey and Sussex Healthcare NHS Trust	6	300,866	37,125	236,802	574,793
Blackpool Teaching Hospitals NHS Foundation Trust	6	86,290	20,693	110,400	217,383
Guy's and St Thomas' NHS Foundation Trust	6	428,530	93,946	321,327	843,803
Gloucestershire Hospitals NHS Foundation Trust	6	81,250	21,762	179,440	282,452
County Durham and Darlington NHS Foundation Trust	6	152,500	37,977	203,353	393,830
East and North Hertfordshire NHS Trust	6	1,401,415	96,823	538,000	2,036,238
University Hospitals Bristol & Weston NHS Foundation Trust	6	152,725	41,866	97,100	291,691
North Cumbria Integrated Care NHS Foundation Trust	5	44,526	15,795	86,666	146,988
Newcastle Upon Tyne Hospitals NHS Foundation Trust (The)	5	158,857	31,737	246,125	436,719

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Stockport NHS Foundation Trust	5	204,350	53,940	432,807	691,097
Whittington Health NHS Trust	5	105,000	68,537	261,000	434,537
Torbay & South Devon NHS Foundation Trust	5	21,800	8,425	32,300	62,525
Bradford Teaching Hospitals NHS Foundation Trust	5	27,000	17,618	67,750	112,368
King's College Hospital NHS Foundation Trust	5	168,337	58,800	289,231	516,369
Chesterfield Royal Hospital NHS Foundation Trust	5	48,585	10,917	106,593	166,095
Tameside and Glossop Integrated Care NHS Foundation Trust	5	234,000	10,395	81,300	325,695
Grand Total	817	41,135,248	5,734,925	28,042,066	74,912,239