



# Resolution

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June 2022

FOI\_5430

The following information was requested on 11<sup>th</sup> May 2022:

*Please supply me with information regarding clinical negligence claims relating to **neurology** speciality care for a period from the financial year 2005 until the present. Please provide me with information on:*

- *Number of submitted claims*
- *Number of settled claims*
- *Number of successful and unsuccessful claims*
- *List of cause codes*
- *List of injury codes*
- *Legal costs*
- *Damages paid*
- *Incident description field*
- *Successful / Unsuccessful*

*Please supply me with information regarding clinical negligence claims where a neurologist (either consultant, associated specialist, staff grade and speciality trainee) have been involved as a defendant. Please provide me with information on:*

- *Number of submitted claims*
- *Number of settled claims*
- *Number of successful and unsuccessful claims*
- *List of cause codes*
- *List of injury codes*
- *Legal costs*
- *Damages paid*
- *Incident description field*
- *Successful / Unsuccessful*

## Our Response

Thank you for your request for information. Please find attached the requested information. Please note we only hold information for England. We have provided information for the specialty **Neurology**.

**Table 1 shows** – Number of claims and incidents received between financial years 2004/05 – 2020/21 where the specialty is **Neurology**.

Please note claims notified/received and open are not guaranteed to be settled in the same year and can take many years to be concluded. Claims notified/received in any given year will often relate to incidents that have occurred many years prior. Due to the nature of clinical negligence claims and the level of investigation needed to bring them to a resolution, claims received and notified in a specific year may take years to settle.

Many of the claims notified will have been repudiated and settled without damages paid.

Please also note that the data shows variation in claims received. This is a reflection of the nature of individual claims received by NHS Resolution, which can vary significantly. As such, these fluctuations cannot be interpreted as trends.

We have interpreted your request for unsuccessful cases to mean claims closed with no damages paid. **Table 2 shows** – Number and Cost of Claims Closed between financial years 2004/05 - 2020/21, for claims where the specialty was '**Neurology**' with **NIL** damages paid.

We have interpreted your request for successful cases to mean claims closed with damages paid. **Table 3 shows** – Number and Cost of Claims **Closed** between financial years 2004/05 - 2020/21, for claims where the specialty was '**Neurology**' (includes the damages paid to date for any claims settled on a periodical payment order basis) with damages paid.

The information disclosed includes damages paid out in the relevant period under Periodical payment orders (PPO) previously agreed on cases which may have been resolved several years ago. It does not include sums which have been committed on settlements in the relevant period under a PPO which may not be paid out until future years. PPOs are an agreement between the parties, to pay an initial lump sum and regular future payments covering the injured party's ongoing care needs, usually for life i.e. a percentage of the full value of the claim is paid at the point of settlement with the balance paid at regular intervals over subsequent years.

Please also note that the data shows variation in damages and costs paid. This is a reflection of the nature of individual claims received by NHS Resolution, which can vary significantly. As such, these fluctuations cannot be interpreted as trends.

**Table 4 shows** – Analysis of Primary Injuries for Claims Closed between financial years 2004/05 - 2020/21, for claims where the specialty was '**Neurology**' (includes the damages paid to date for any claims settled on a periodical payment order basis) with a damages payment.

**Table 5 shows** - Analysis of Primary Causes for Claims Closed between financial years 2004/05 - 2020/21, for claims where the specialty was '**Neurology**' (includes the damages paid to date for any claims settled on a periodical payment order basis) with a damages payment.

**Table 4 – 5 & incident description field:-**

We have suppressed low figures and we are unable to provide the information in the incident description field, 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. 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](#), Deputy Director of Corporate and Information Governance, Data Protection Officer 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.**

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Table 1: Number of Claims and Incidents received between financial years 2004/05 and 2020/21 where the speciality is 'Neurology'

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Notifications	
Clinical_NonClinical	Y Clinical
<b>Year of Notification</b>	
<b>No. of Claims</b>	
2004/05	62
2005/06	64
2006/07	54
2007/08	55
2008/09	59
2009/10	67
2010/11	91
2011/12	103
2012/13	97
2013/14	119
2014/15	104
2015/16	120
2016/17	112
2017/18	91
2018/19	126
2019/20	119
2020/21	148
<b>Grand Total</b>	<b>1,591</b>

**Table 2: Number of Claims Closed between financial years 2004/05 and 2020/21 where the speciality is 'Neurology' with NIL damages paid**

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Closed_Settled	Y
Clinical_NonClinical	Clinical
Claim_Outcome_FOI	NIL Damages

<b>Year of Closure (Settlement Year for PPOs)</b>	<b>No. of Claims</b>
2004/05	43
2005/06	43
2006/07	66
2007/08	30
2008/09	29
2009/10	34
2010/11	32
2011/12	30
2012/13	49
2013/14	99
2014/15	41
2015/16	51
2016/17	54
2017/18	46
2018/19	48
2019/20	37
2020/21	48
<b>Grand Total</b>	<b>780</b>



## Resolution

**Table 3: Number and Cost of Claims Closed between financial years 2004/05 and 2020/21 (includes the damages paid to date for any claims settled on a periodical payment order basis) where the speciality is 'Neurology' with damages paid**

Closed_Settled	Y
Clinical_NonClinical	Clinical
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2004/05	23	2,024,440	272,183	497,097	2,793,720
2005/06	33	8,360,329	567,053	1,133,637	10,061,020
2006/07	23	7,030,788	535,666	1,347,901	8,914,355
2007/08	21	3,199,089	277,230	792,465	4,268,784
2008/09	14	313,285	111,753	326,786	751,824
2009/10	27	4,662,400	882,822	2,519,630	8,064,852
2010/11	39	20,135,875	1,333,187	3,591,432	25,060,494
2011/12	43	13,103,303	1,205,501	2,521,362	16,830,166
2012/13	37	14,200,167	776,479	2,745,405	17,722,050
2013/14	42	18,675,561	1,272,033	4,333,428	24,281,022
2014/15	41	17,508,793	992,444	3,700,316	22,201,553
2015/16	49	10,391,439	1,080,830	4,903,016	16,375,284
2016/17	59	18,872,966	1,696,785	7,196,332	27,766,083
2017/18	56	16,671,038	1,608,205	5,560,617	23,839,860
2018/19	50	18,127,497	1,579,612	6,127,198	25,834,307
2019/20	64	11,330,304	1,707,876	6,259,435	19,297,615
2020/21	64	22,473,080	1,944,540	6,185,769	30,603,389
<b>Grand Total</b>	<b>685</b>	<b>207,080,354</b>	<b>17,844,197</b>	<b>59,741,827</b>	<b>284,666,379</b>



**Table 4: Broken down by Primary Injury Number and Cost of Claims Closed between financial years 2004/05 and 2020/21 (includes the damages paid to date for any claims settled on a periodical payment order basis) where the speciality is 'Neurology' with damages paid**

Closed_Settled	Y
Clinical_NonClinical	Clinical
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs) ----- Primary Injuries	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Adtnl/unnecessary Operation(s)	32	1,720,279	393,070	1,240,987	3,354,336
Amputation - Lower	#	#	#	#	#
Cosmetic Disfigurement	#	#	#	#	#
Dental Damage	#	#	#	#	#
Fatality	84	6,705,717	1,107,016	4,456,560	12,269,293
Nerve Damage	49	13,349,622	1,219,258	4,797,616	19,366,496
Other	8	2,681,671	95,669	333,098	3,110,437
Other Visual Problems	19	4,658,197	352,596	1,053,405	6,064,198
Poor Outcome - Fractures Etc.	#	#	#	#	#
Pressure Sores	14	3,462,328	395,576	2,187,469	6,045,373
Psychiatric/Psychological Dmge	33	1,512,863	292,641	1,059,896	2,865,401
Scarring	#	#	#	#	#
Spinal Damage	26	12,536,547	1,091,170	3,015,096	16,642,814
Unnecessary Pain	103	5,419,881	1,018,886	3,532,031	9,970,798
Fracture	17	321,190	38,951	351,362	711,503
Osteoporosis	#	#	#	#	#
Perforation	#	#	#	#	#
Tuberculosis	#	#	#	#	#
Tissue Damage	#	#	#	#	#
Multiple Disabilities	11	5,746,053	351,351	1,159,432	7,256,836
Multiple Injuries	#	#	#	#	#
Other Infection	#	#	#	#	#
Bruising/ Extravasation	#	#	#	#	#
Thrombosis/Embolism	#	#	#	#	#
Developmental Delay	#	#	#	#	#
Respiratory Disorder/ Failure	#	#	#	#	#
Bowel Damage/ Dysfunction	#	#	#	#	#
Tendon Damage	#	#	#	#	#
Incontinence	#	#	#	#	#
Bladder Damage	#	#	#	#	#
Loss Of Sexual Function	#	#	#	#	#
Liver Damage	#	#	#	#	#
Fistula	#	#	#	#	#
Burn(s)	#	#	#	#	#
Cardiovascular Condition	#	#	#	#	#
Paraplegia	18	14,286,097	1,513,626	3,486,790	19,286,513
Brain Damage	82	68,730,326	3,754,874	12,523,306	85,008,505
Stroke	23	5,635,636	1,087,189	2,847,309	9,570,134
Infertility	#	#	#	#	#
Joint Damage	#	#	#	#	#
Blindness	24	15,833,950	1,027,762	3,649,342	20,511,054
Cardiac Arrest	#	#	#	#	#
Cancer	7	604,000	61,177	239,263	904,440
Advanced Stage Cancer	#	#	#	#	#
Reduced Life Expectancy	6	103,400	12,795	182,250	298,445
Hospital Acquired Infection	#	#	#	#	#
Cerebral Palsy	#	#	#	#	#
Loss Of Baby	#	#	#	#	#
Meningitis	#	#	#	#	#
Anaphylact Shock/Allergic Shock/allergy	#	#	#	#	#
Foot Drop	#	#	#	#	#
Epilepsy	15	3,164,060	301,127	1,133,817	4,599,004
Malignant Tumour	5	1,812,778	312,566	865,125	2,990,468
Benign Tumour	#	#	#	#	#
Partial Paralysis	19	14,179,708	1,021,078	3,968,883	19,169,670
Tetraplegia/ Quadraplegia	#	#	#	#	#

**Table 4: Broken down by Primary Injury Number and Cost of Claims Closed between financial years 2004/05 and 2020/21 (includes the damages paid to date for any claims settled on a periodical payment order basis) where the speciality is 'Neurology' with damages paid**

Closed_Settled	Y
Clinical_NonClinical	Clinical
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
----- Primary Injuries					
Addiction/Dependency	#	#	#	#	#
Foetal Anti-Convulsant Syndr.	#	#	#	#	#
Aneurysm	#	#	#	#	#
Learning Difficulties	#	#	#	#	#
Hemiparesis	#	#	#	#	#
Scalp Damage	#	#	#	#	#
Arterial Damage	#	#	#	#	#
<b>Grand Total</b>	<b>685</b>	<b>207,080,354</b>	<b>17,844,197</b>	<b>59,741,827</b>	<b>284,666,379</b>

**Table 5: Broken down by Primary Cause Number and Cost of Claims Closed between financial years 2004/05 and 2020/21 (includes the damages paid to date for any claims settled on a periodical payment order basis) where the speciality is 'Neurology' with damages paid**

Closed_Settled	Y
Clinical_NonClinical	Clinical
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs) ----- Primary Causes	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Equipment Malfunction	#	#	#	#	#
Fail / Delay Treatment	179	64,609,323	5,491,189	19,602,734	89,703,247
Fail To Carry Out PO Observs.	#	#	#	#	#
Fail To Follow-Up Arrangements	14	363,150	95,352	462,491	920,993
Fail To Recog. Complication Of	13	9,939,324	693,283	1,684,198	12,316,805
Fail To Supervise	11	6,041,113	192,514	620,457	6,854,084
Fail To Warn-Informed Consent	8	833,800	385,972	1,318,781	2,538,553
Failure To Interpret X-Ray	7	660,141	199,245	564,000	1,423,386
Failure To Perform Operation	#	#	#	#	#
Failure/Delay Diagnosis	177	72,430,995	6,003,580	19,383,121	97,817,695
Inadequate Monitoring Intra-Op	#	#	#	#	#
Inadequate Nursing Care	40	4,724,613	637,323	2,745,052	8,106,988
Inappropriate Treatment	27	1,842,536	444,054	1,454,317	3,740,908
Intra-Op Problems	18	5,700,227	371,485	1,381,147	7,452,858
Lack Of Assistance/Care	12	3,051,344	160,616	455,490	3,667,450
Lack Of Facilities/Equipment	#	#	#	#	#
Other	#	#	#	#	#
Delay In Performing Operation	10	2,076,714	259,259	787,942	3,123,915
Operator Error	8	160,131	23,664	212,374	396,169
Fail/Delay Admitting To Hosp.	5	985,170	192,333	312,250	1,489,753
Fail Antenatal Screening	#	#	#	#	#
Infusion Problems	#	#	#	#	#
Foreign Body Left In Situ	#	#	#	#	#
Lack Of Pre-Op Evaluation	#	#	#	#	#
Fail To Act On Abnorm Test Res	13	3,816,193	253,783	747,651	4,817,627
Wrong Diagnosis	26	4,119,824	399,997	1,175,086	5,694,906
Fail/Delay Referring To Hosp.	#	#	#	#	#
Failed Infection Control Policy/Hospital Hygiene	#	#	#	#	#
Fail To Interpret USS	#	#	#	#	#
Medication Errors	30	3,358,824	314,232	1,162,935	4,835,992
Err With Agnt/Dose/Route/Selec	6	1,016,000	100,313	198,500	1,314,813
Perform. Of Op. Not Indicated	#	#	#	#	#
Failure To Perform Tests	19	8,086,307	530,051	1,822,170	10,438,527
Bacterial Infection	#	#	#	#	#
Inappropriate Discharge	#	#	#	#	#
Fail To Infrm Test RsIts	#	#	#	#	#
Failure To X-Ray	#	#	#	#	#
Wrong Site Surgery	5	76,500	2,531	60,575	139,606
Incorrect Injection Site	#	#	#	#	#
Probs With Medical Records	#	#	#	#	#
MisplacedNaso/OrogastricTubeNotDet	#	#	#	#	#
Injured By Another Patient	#	#	#	#	#
Assault, Etc By Hospital Staff	#	#	#	#	#
Inc In Comm By Absc/disch Pat	#	#	#	#	#
Sexual Abuse	#	#	#	#	#
Self Harm	#	#	#	#	#
<b>Grand Total</b>	<b>685</b>	<b>207,080,354</b>	<b>17,844,197</b>	<b>59,741,827</b>	<b>284,666,379</b>