



Resolution

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FOI_5757

The following information was requested and clarified on 18 January 2023:

Over the last 10 years how many claims are brought against Mental Health Trusts and what the nature of these are, how many are upheld, if they are settled, if they go to court, what the size of the settlements tend to be.

We are only able to provide information in relation to claims associated with the specialty Psychiatry/Mental Health broken down by cause or injury, it could include the number of claims received and closed with nil damages paid; the number of claims closed with a damages payment and associated costs;

Thanks so much. I understand. I'd be grateful to receive any information that you might have.

Our Response

Please find attached the requested information.

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. These are not guaranteed to be settled and closed.

Many of the claims notified will have gone on to be repudiated and settled without damages paid.

For comparison with overall numbers of claims and incidents reported, please refer to data contained in our annual report and accounts ([on our website](#)).

Table 1 shows:- The number of Clinical Claims where the specialty is 'Psychiatry/Mental Health' or 'Community Mental Services' Closed/Settled between the financial years 2012/13 – 2021/22 broken down by year.

Please also note that the data shows a variation in the number of claims received during this period. 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 2 shows:- The number and cost of Clinical Claims closed between the financial years 2012/13 – 2021/22 with a damages payment where the specialty is '**Psychiatry/Mental Health**' or '**Community Mental Health Services**' (includes the damages paid to date for any claims settled on a periodical payment order basis).

Table 3 shows:- Number of Clinical Claims closed between the financial years 2012/13 – 2021/22 with NIL damages where the specialty is 'Psychiatry/Mental Health' or 'Community Mental Health Services'.

Table 4 shows:- Analysis of injuries of the number and cost of Clinical Claims closed between the financial years 2012/13 – 2021/22 with a damages payment where the specialty is '**Psychiatry/Mental Health**' or '**Community Mental Health Services**' (includes the damages paid to date for any claims settled on a periodical payment order basis).

Table 5 shows:- Analysis of Causes of the number and cost of Clinical Claims closed between the financial years 2012/13 – 2021/22 with a damages payment where the specialty is '**Psychiatry/Mental Health**' or '**Community Mental Health Services**' (includes the damages paid to date for any claims settled on a periodical payment order basis).

Table 6 shows:- The number of claims that went to trial and outcome for Clinical Claims closed between the financial years 2012/13 – 2021/22 where the specialty is '**Psychiatry/Mental Health**' or '**Community Mental Health Services**' (includes the damages paid to date for any claims settled on a periodical payment order basis).

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

PPOs -

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.

Low Numbers

Please note 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 Freedom of Information 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.

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.

Further to our obligations to provide advice and assistance, you may find it helpful to review the work of the [Getting It Right First Time team](#) with whom NHS Resolution has been working with to undertake in-depth analysis of our claims data. They have produced a number of [reports](#) from analysing our claims data which has been shared following approval of the confidentiality advisory group to the use of confidential patient information for this purpose.

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 2 – The number and cost of Clinical Claims closed between the financial years 2012/13 – 2021/22 with a damages payment broken down by year where the specialty is 'Psychiatry/Mental Health' or 'Comm Mental Servs' (includes the damages paid to date for any claims settled on a periodical payment order basis)

Table 3 - Number of Clinical Claims closed between the financial years 2012/13 – 2021/22 with NIL damages broken down by year where the specialty is 'Psychiatry/Mental Health' or 'Comm Mental Servs'

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Table 1 – The number of Clinical Claims where the specialty is 'Psychiatry/Mental Health' or 'Comm Mental Servs' Closed/Settled between the financial years 2012/13 – 2021/22 broken down by year.

FOI View scheme	Closed Settled (All)
Year of Closure	No. of Claims
2012/13	221
2013/14	263
2014/15	281
2015/16	264
2016/17	326
2017/18	300
2018/19	328
2019/20	336
2020/21	309
2021/22	364
Grand Total	2,992

Table 2 – The number and cost of Clinical Claims closed between the financial years 2012/13 – 2021/22 with a damages payment broken down by year where the specialty is 'Psychiatry/Mental Health' or 'Comm Mental Servs' (includes the damages paid to date for any claims settled on a periodical payment order basis)

FOI View scheme	Closed Settled (All)
Claim_Outcome	Successful

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2012/13	116	14,408,298	1,463,261	6,348,319	22,219,877
2013/14	116	14,639,508	1,813,572	7,942,749	24,395,828
2014/15	123	11,042,487	1,480,644	7,052,216	19,575,347
2015/16	118	8,709,391	1,226,830	7,469,467	17,405,688
2016/17	162	9,310,676	1,983,096	8,810,609	20,104,381
2017/18	161	16,338,520	2,493,026	12,286,201	31,117,747
2018/19	163	14,782,938	2,298,610	8,957,172	26,038,719
2019/20	171	20,185,347	2,777,372	13,596,811	36,559,531
2020/21	172	27,993,115	3,282,629	12,264,308	43,540,052
2021/22	180	27,696,341	3,502,782	12,089,205	43,288,327
Grand Total	1,482	165,106,621	22,321,821	96,817,056	284,245,498

Table 3 - Number of Clinical Claims closed between the financial years 2012/13 – 2021/22 with NIL damages broken down by year where the speciality is 'Psychiatry/Mental Health' or 'Comm Mental Servs'

FOI View scheme	Closed Settled (All)
Claim_Outcome	Unsuccessful

Year of Closure (Settlement Year for PPOs)	No. of Claims
2012/13	105
2013/14	147
2014/15	158
2015/16	146
2016/17	164
2017/18	139
2018/19	165
2019/20	165
2020/21	137
2021/22	184
Grand Total	1,510

Table 4 – Analysis of injuries of the number and cost of Clinical Claims closed between the financial years 2012/13 – 2021/22 with a damages payment where the specialty is 'Psychiatry/Mental Health' or 'Comm Mental Servs' (includes the damages paid to date for any claims settled on a periodical payment order basis)

FOI View scheme	Closed Settled (All)
Claim_Outcome	Successful

Primary Injuries	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Fatality	780	73,556,457	11,872,853	54,675,972	140,105,283
Psychiatric/Psychological Dmge	258	11,483,465	2,434,738	8,811,671	22,729,874
Fracture	85	4,067,815	638,097	3,000,620	7,706,532
Unnecessary Pain	67	3,080,402	496,435	2,834,864	6,411,701
Multiple Injuries	34	18,546,861	1,863,653	7,362,435	27,772,949
Brain Damage	31	24,386,076	1,951,423	7,204,375	33,541,874
Burn(s)	24	1,292,896	103,016	739,488	2,135,400
Other	24	442,275	99,862	778,943	1,321,081
Sexual Abuse	21	643,714	108,794	607,958	1,360,466
Scarring	17	469,153	92,284	722,846	1,284,283
Bodily Harm/Murder	16	779,389	237,861	770,616	1,787,866
Bruising/ Extravasation	13	869,396	114,537	263,593	1,247,527
Amputation - Lower	11	10,642,448	573,165	2,239,750	13,455,363
Addiction/Dependency	8	292,060	112,305	578,500	982,865
Nerve Damage	5	157,460	53,892	129,341	340,693
Pressure Sores	5	2,014,504	118,768	621,555	2,754,827
Adtnl/unnecessary Operation(s)	5	335,343	54,256	289,350	678,949
Renal Damage/ Failure	5	118,596	53,287	244,444	416,327
Cardiac Arrest	#	#	#	#	#
Tardive Dyskinesia	#	#	#	#	#
Perforation	#	#	#	#	#
Not Specified	#	#	#	#	#
Spinal Damage	#	#	#	#	#
Psychiatric Damage	#	#	#	#	#
Cardiovascular Condition	#	#	#	#	#
Epilepsy	#	#	#	#	#
Tissue Damage	#	#	#	#	#
Respiratory Disorder/ Failure	#	#	#	#	#
Malnutrition	#	#	#	#	#
Oedema	#	#	#	#	#
Amputation - Upper	#	#	#	#	#
H.I.V.	#	#	#	#	#
Dislocation	#	#	#	#	#
Other Visual Problems	#	#	#	#	#
Paraplegia	#	#	#	#	#
Tendon Damage	#	#	#	#	#
Joint Damage	#	#	#	#	#
Wrongful Birth	#	#	#	#	#
Anaphylact Shock/Allergic Shock/allergy	#	#	#	#	#
Chronic Fatigue Syndrome	#	#	#	#	#
Incontinence	#	#	#	#	#
Burns	#	#	#	#	#
Anaesthetic	#	#	#	#	#
Orthopaedic Injuries	#	#	#	#	#
Liver Damage	#	#	#	#	#
Cerebral Palsy	#	#	#	#	#
Dental Damage	#	#	#	#	#
Thyroid Condition	#	#	#	#	#
Cosmetic Disfigurement	#	#	#	#	#
Other Infection	#	#	#	#	#
Bowel Damage/ Dysfunction	#	#	#	#	#
Injuries Involving Paralysis	#	#	#	#	#
Foot Drop	#	#	#	#	#
Removal Of Fallopian Tube	#	#	#	#	#
Thrombosis/Embolism	#	#	#	#	#
Reduced Life Expectancy	#	#	#	#	#
Grand Total	1,482	165,106,621	22,321,821	96,817,056	284,245,498

Table 5 - Analysis of Causes of the number and cost of Clinical Claims closed between the financial years 2012/13 – 2021/22 with a damages payment where the specialty is 'Psychiatry/Mental Health' or 'Comm Mental Servs' (includes the damages paid to date for any claims settled on a periodical payment order basis)

FOI View scheme	Closed Settled (All)
Claim_Outcome	Successful

Primary Causes	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Fail / Delay Treatment	235	33,615,986	3,489,639	16,327,211	53,432,836
Self Harm	195	31,407,155	3,555,440	15,256,958	50,219,553
Fail To Supervise	164	24,160,755	2,941,726	13,616,099	40,718,579
Unexpected Death	123	12,539,070	1,888,989	8,244,777	22,672,836
Inappropriate Treatment	100	8,568,813	1,378,963	6,268,316	16,216,092
Inadequate Nursing Care	85	7,303,604	1,304,038	5,799,355	14,406,997
Medication Errors	82	2,234,536	452,706	2,841,785	5,529,027
Inappropriate Discharge	69	8,981,245	1,776,815	6,578,659	17,336,719
Sexual Abuse	55	1,655,055	313,004	1,495,609	3,463,667
Failure/Delay Diagnosis	51	4,769,244	678,754	2,515,398	7,963,397
Lack Of Assistance/Care	39	4,028,874	744,659	3,195,256	7,968,789
Assault, Etc By Hospital Staff	39	1,196,881	237,986	856,665	2,291,532
Fail/Delay Admitting To Hosp.	33	7,614,172	803,522	3,296,149	11,713,842
Injured By Another Patient	27	554,347	165,479	611,755	1,331,581
Other	26	2,097,246	255,253	1,123,379	3,475,878
Fail To Follow-Up Arrangements	25	1,067,500	235,628	1,198,910	2,502,038
Application Of Excess Force	15	147,084	52,292	378,288	577,663
Injury To Others By Patient	12	3,698,513	502,697	1,515,268	5,716,478
Wrong Diagnosis	11	251,159	95,292	341,189	687,640
Fail To Recog. Complication Of	11	975,035	120,158	604,044	1,699,237
Failure To Perform Tests	10	334,687	107,880	448,957	891,524
Fail/Delay Referring To Hosp.	9	814,175	135,873	537,815	1,487,864
Err With Agnt/Dose/Route/Selec	8	55,210	61,313	147,000	263,523
InPatientSuicide- NonCollapsible Rails	7	610,399	154,728	704,411	1,469,538
EscapeSecurePrm byMHPtsTransfPrisoners	6	703,596	118,479	614,000	1,436,075
Fail To Carry Out PO Observs.	5	1,209,370	71,167	424,325	1,704,863
Inc In Comm By Absc/disch Pat	5	353,539	76,277	291,309	721,125
Fail To Warn-Informed Consent	5	400,105	143,543	157,750	701,397
Assault	#	#	#	#	#
Not Specified	#	#	#	#	#
Fail To Act On Abnorm Test Res	#	#	#	#	#
Unlawful Detention - Mntl Hlth	#	#	#	#	#
Premature Ceasure Of Treatment	#	#	#	#	#
Inapprop. Case Selection	#	#	#	#	#
MisplacedNaso/OrogastricTubeNotDet	#	#	#	#	#
Inadequate Monitoring Intra-Op	#	#	#	#	#
Breach of HRA	#	#	#	#	#
Fire	#	#	#	#	#
Intubation Problems	#	#	#	#	#
Personal Accident Claims	#	#	#	#	#
Failure To X-Ray	#	#	#	#	#
Incorrect Injection Site	#	#	#	#	#
Foreign Body Left In Situ	#	#	#	#	#
Probs With Medical Records	#	#	#	#	#
Fail To Infrm Test RsIts	#	#	#	#	#
Delay In Performing Operation	#	#	#	#	#
Grand Total	1,482	165,106,621	22,321,821	96,817,056	284,245,498

Table 6 – The number of Clinical claims that went to trial and outcome for Clinical Claims closed between the financial years 2012/13 – 2021/22 where the specialty is 'Psychiatry/Mental Health' or 'Comm Mental Servs' (includes the damages paid to date for any claims settled on a periodical payment order basis)

FOI View scheme	Closed Settled (All)
Went to Trial?	Y

Year of Closure (Settlement Year for PPOs)	No. of Claims
2012/13	
Successful	#
Unsuccessful	#
2013/14	
Successful	#
Unsuccessful	#
2014/15	
Successful	#
2015/16	
Successful	#
Unsuccessful	#
2016/17	
Successful	#
Unsuccessful	#
2017/18	
Successful	#
Unsuccessful	#
2019/20	
Successful	#
Unsuccessful	#
2020/21	
Unsuccessful	#
2021/22	
Unsuccessful	#
Grand Total	28