



Resolution

8th Floor,
10 South Colonnade
Canary Wharf
London
E14 4PU
Telephone: 020 7811 2700

March 2023
FOI_5761

The following information was requested on 13th January 2023:

This is a request for information under the Freedom of Information Act 2000, relating to compensation pay-outs for sexual misconduct complaints made against NHS staff. Sexual misconduct includes, but is not limited to, inappropriate comments; inappropriate touching, sexual harassment, sexual assault, indecent exposure, and rape.

I understand that you do not have specific coding for: sexual harassment, sexual assault, sexual misconduct or rape. Please share information for [(cause code contains 'sexual abuse') or (cause code contains 'assault' and incident description contains 'sex/ual')].

Please note there are five parts to this request.

1. Please share the number of claims received in the last four financial years (2018/19, 2019/20, 2020/21, and 2021/22) in relation to sexual misconduct/harassment\abuse [(cause code contains 'sexual abuse') or (cause code contains 'assault' and incident description contains 'sex/ual')]. Please provide a breakdown by year and claimant group (patient, staff or public). Please also include a grand total for all the years and all the claimant groups.

2. Please share the number and cost of claims closed/settled with damages paid in the last four financial years (2018/19, 2019/20, 2020/21, and 2021/22) in relation to sexual misconduct/harassment\abuse [(cause code contains 'sexual abuse') or (cause code contains 'assault' and incident description contains 'sex/ual')]. Please include the following information in the table:

Number of claims

Damages paid

Defence costs paid

Claimant Costs Paid

Total Paid

Breakdown by year (year of closure or settlement year for PPOs)

Breakdown by claimant type (patient, staff or public)

3. Please share the number of claims closed without damages paid between financial years (2018/19, 2019/20, 2020/21, and 2021/22) in relation to sexual misconduct/harassment\abuse [(cause code contains 'sexual abuse') or (cause code contains 'assault' and incident description contains 'sex/ual')]. Please include the following information in the table:

Number of claims

Defence costs paid

Claimant Costs Paid

Total Paid

Breakdown by year (year of closure or settlement year for PPOs)

Breakdown by claimant type (patient, staff or public)

4. Please share the name of Trusts with 5 or more closed/settled claims relating to sexual misconduct/harassment/abuse [(cause code contains 'sexual abuse') or (cause code contains 'assault' and incident description contains 'sex/ual')]. Please provide the following information for each Trust:

Number of claims

Damages paid

Defence costs paid

Claimant Costs Paid

Total Paid

5. Please share the following information regarding the number and cost of claims closed/settled with damages paid by the Department of Health in the last four financial years (2018/19, 2019/20, 2020/21, and 2021/22) in relation to sexual misconduct/harassment/abuse [(cause code contains 'sexual abuse') or (cause code contains 'assault' and incident description contains 'sex/ual')].

Number of claims

Damages paid

Defence costs paid

Claimant Costs Paid

Total Paid

Our Response

Thank you for your request for information. Please find attached the requested information. Please note we only hold information for England.

NB: We have recently changed the way we report on our FOIs to align better with our published documents. Streamlining our reporting on FOIs with our annual published reports may mean a variation in snapshot dates. This means this data may not align with previous similar requests and it may not be possible for you to compare this information with a previous request. For further information, please refer to <https://resolution.nhs.uk/resources/understanding-nhs-resolution-data>.

Please note, in the past we have occasionally provided information based on the incident description field. However, such searches have proven to be incomplete and may provide a misleading picture as there may be a number of causes for claims and they may be settled for a number reasons so the primary cause and injury may not relate entirely to what has been entered into the short free-text field. This approach would also be reliant on the precise phrase: 'sex/ual', having been used (and **spelt correctly**) in the free text field rather than other synonyms or general descriptions of

the patient's condition/treatment. As such we no longer provide data based on the incident description field as it is unreliable.

Table 1 shows: - Number of clinical claims and incidents notified between financial years 2018/19 - 2021/22 where the primary injury is 'Sexual abuse' and the primary cause is 'assault' or 'Assault, etc. by hospital staff', or the primary cause is 'Sexual assault'. Breakdown by year.

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.

We cannot provide data on staff sexual abuse claims because these are handled under our non-clinical LTPS scheme and there is no specific cause code relating to sexual abuse. We are unable to break this data down by claimant group.

Table 2 shows: - The number and cost of clinical claims closed with damages paid between financial years 2018/19 - 2021/22 where the primary injury is 'Sexual Abuse' and the primary cause is 'assault' or 'Assault, etc. by hospital staff', or the primary cause is 'Sexual Assault'. Breakdown by year.

The data shows variation in numbers of cases closed per year. This is a reflection of the nature of individual claims managed by NHS Resolution, which can vary significantly. In some cases this can be affected by an adverse issue involving a number of patients. As such, these fluctuations cannot be interpreted as trends.

Table 3 shows:- The number and cost of clinical claims closed with damages paid between financial years 2018/19 - 2021/22 where the primary injury is 'Sexual Abuse' and the primary cause is 'assault' or 'Assault, etc. by hospital staff', or the primary cause is 'Sexual Assault'. Breakdown by Trust (Breakdown by scheme for the Department of Health).

The large number of claims against Cambridge University Hospitals NHS Foundation Trust relate to the activities of a single disgraced clinician subsequently imprisoned for abusing children under their care.

Please note Claims recorded against the Department of Health and Social Care (showing as Department of Health) are liabilities arising from defunct NHS organisations, which transferred to the Secretary of State for Health and Social Care when those organisations were abolished. These also include NHS clinical negligence

claims made against current and former GP members of medical defence organisations (currently MDDUS and MPS only) in respect of liabilities incurred before 1 April 2019. These are managed under ELSGP. Please see our website for details.

The NHS Resolution Directions 2013 and The NHS Resolution (Amendment)

Direction 2013 directed NHS Resolution to handle and pay certain clinical claims where liability has transferred to the Secretary of State for Health and Social Care from abolished Primary Care Trusts (PCTs) and Strategic Health Authorities (SHAs). NHS Resolution was also directed to handle and pay claims against Public Health England. This “Scheme” is used to identify such claims and includes the majority of incidents which occurred prior to 01.04.13 for services provided by PCTs, some independent providers and SHAs.

For an explanation of the different schemes referred to, please visit the following web page: [Clinical schemes - NHS Resolution](#)

Table 4 shows:- The number and cost of clinical claims closed with NIL damages between financial years 2018/19 and 2021/22 where the primary injury is 'Sexual abuse' and the primary cause is 'assault' or 'Assault, etc. by hospital staff', or the primary cause is 'Sexual Assault'. Breakdown by year.

In certain cases, although they may have resolved with no payment of damages to the claimant, some costs may have been paid to the claimant e.g. where ordered to be paid by the Court.

Low numbers

We have suppressed low figures with fewer than 5 claims, 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/>

TABLE OF CONTENTS

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 of clinical claims and incidents notified between financial years 2018/19 an 2021/22 where the primary injury is 'Sexual abuse' and the primary cause is 'assault' or 'Assault, etc by hospital staff', or the primary cause is 'Sexual assault'. Breakdown by year.

Table 2: The number and cost of clinical claims with damages paid between financial years 2018/19 and 2021/22 where the primary injury is 'Sexual Abuse' and the primary cause is 'assault' or 'Assault, etc by hospital staff', or the primary cause is 'Sexual Assault'. Breakdown by year.

Table 3: The number and cost of clinical claims with damages paid between financial years 2018/19 and 2021/22 where the primary injury is 'Sexual Abuse' and the primary cause is 'assault' or 'Assault, etc by hospital staff', or the primary cause is 'Sexual Assault'. Breakdown by Trust (Breakdown by scheme for the Department of Health)

Table 4: The number and cost of clinical claims with NIL damages between financial years 2018/19 and 2021/22 where the primary injury is 'Sexual abuse' and the primary cause is 'assault' or 'Assault, etc by hospital staff', or the primary cause is 'Sexual Assault'. Breakdown by year

TABLE OF CONTENTS

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 of clinical claims and incidents notified between financial years 2018/19 an 2021/22 where the primary injury is 'Sexual abuse' and the primary cause is 'assault' or 'Assault, etc by hospital staff', or the primary cause is 'Sexual assault'. Breakdown by year.

FOI View	Notified
Clinical	Clinical

Year of Notification	No. of Claims
2018/19	24
2019/20	13
2020/21	16
2021/22	13
Grand Total	66

Table 2: The number and cost of clinical claims with damages paid between financial years 2018/19 and 2021/22 where the primary injury is 'Sexual Abuse' and the primary cause is 'assault' or 'Assault, etc by hospital staff', or the primary cause is 'Sexual Assault'. Breakdown by year.

FOI View	Closed Settled
Clinical	Clinical
Claim_Outcome	Successful

Year of Closure	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2018/19	25	691,570	102,324	450,650	1,244,543
2019/20	21	686,125	104,571	430,749	1,221,446
2020/21	16	430,913	73,795	268,050	772,758
2021/22	12	366,050	57,503	357,930	781,484
Grand Total	74	2,174,658	338,194	1,507,380	4,020,231

Table 3: The number and cost of clinical claims with damages paid between financial years 2018/19 and 2021/22 where the primary injury is 'Sexual Abuse' and the primary cause is 'assault' or 'Assault, etc by hospital staff', or the primary cause is 'Sexual Assault'. Breakdown by Trust (Breakdown by scheme for the Department of Health)

FOI View	Closed Settled
Clinical	Clinical
Claim_Outcome	Successful

Trust Name	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Cambridge University Hospitals NHS Foundation Trust	21	738,875	47,735	315,200	1,101,810
Department of Health					
DH CL	10	306,750	31,340	128,800	466,890
ELSGP	#	#	#	#	#
Frimley Health NHS Foundation Trust	7	64,288	30,468	71,750	166,507
Kent and Medway NHS and Social Care Partnership Trust	#	#	#	#	#
Birmingham Women's and Children's NHS Foundation Trust	#	#	#	#	#
Nottinghamshire Healthcare NHS Foundation Trust	#	#	#	#	#
Derbyshire Healthcare NHS Foundation Trust	#	#	#	#	#
University Hospitals Birmingham NHS Foundation Trust	#	#	#	#	#
South London & Maudsley NHS Foundation Trust	#	#	#	#	#
Leeds & York Partnerships NHS Foundation Trust	#	#	#	#	#
Lancashire and South Cumbria NHS Foundation Trust	#	#	#	#	#
East Kent Hospitals University NHS Foundation Trust	#	#	#	#	#
Norfolk & Norwich University Hospitals NHS Foundation Trust	#	#	#	#	#
East Lancashire Hospitals NHS Trust	#	#	#	#	#
Tees, Esk and Wear Valleys NHS Foundation Trust	#	#	#	#	#
East London NHS Foundation Trust	#	#	#	#	#
Lancashire Care NHS Foundation Trust	#	#	#	#	#
Essex Partnership University NHS Foundation Trust	#	#	#	#	#
Livewell Southwest CIC	#	#	#	#	#
Western Sussex Hospitals NHS Trust	#	#	#	#	#
Bedfordshire Hospitals NHS Foundation Trust	#	#	#	#	#
The Christie NHS Foundation Trust	#	#	#	#	#
South West London and St George's Mental Health NHS Trust	#	#	#	#	#
Barnet, Enfield and Haringey Mental Health NHS Trust	#	#	#	#	#
Calderdale & Huddersfield NHS Foundation Trust	#	#	#	#	#
Camden and Islington NHS Foundation Trust	#	#	#	#	#
Whittington Health NHS Trust	#	#	#	#	#
Hertfordshire Partnership NHS Foundation Trust	#	#	#	#	#
Avon & Wiltshire Mental Health Partnership NHS Trust	#	#	#	#	#
Greater Manchester Mental Health NHS Foundation Trust	#	#	#	#	#
Grand Total	74	2,174,658	338,194	1,507,380	4,020,231

Table 4: The number and cost of clinical claims with NIL damages between financial years 2018/19 and 2021/22 where the primary injury is 'Sexual abuse' and the primary cause is 'assault' or 'Assault, etc by hospital staff', or the primary cause is 'Sexual Assault'. Breakdown by year

FOI View	Closed Settled
Clinical	Clinical
Claim_Outcome	Unsuccessful

Year of Closure	No. of Claims	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2018/19	7	18,922	0	18,922
2019/20	#	#	#	#
2020/21	#	#	#	#
2021/22	5	24,653	#	21,453
Grand Total	20	63,444	#	60,244