



Resolution

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March 2023
FOI_5778

The following information was requested on 23 January 2023:

I request the following pieces of data from 2020-2023 (or thereabouts)

I request the following:

The average successful pay out for delayed diagnosis of mental health problems

The average successful pay out for false diagnosis of mental health problems

The average payout for patients who proved clinical negligence from a CMHT in regards to failure to assess them when they were eligible.

The average payout for emotional distress

The average payout for a Trust who initially deny a complaint then accept the complaint and accept liability

The average payout for clinical negligence contributing to psychosis and severe mental distress.

The average payout for clinical negligence which caused vomiting / physical ailment

Our Response

Please find attached the requested information. We provide information in financial years. The information for the financial year 2022/23 is currently unavailable. This information will be available upon request from July 2023.

We have provided the information we capture in our claims management system that best matches to your request. We are unable to supply all of the information requested as we do not hold or capture the information in the format you have requested.

Table 1 shows:- The number of clinical claims and incidents notified/received between financial years 2019/20 and 2021/22, where the specialty is '**Community Mental Health Services**' or '**Psychiatry/Mental Health**'. Broken down by primary cause.

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.

Table 2 shows:- The number and cost of clinical claims (including average cost), closed between financial years 2019/20 and 2021/22, with damages paid where the specialty is '**Community Mental Health Services**' or '**Psychiatry/Mental Health**' (includes the damages paid to date for any claims settled on a periodical payment order basis).

Table 3 shows:- Broken down by Primary Cause the number and cost of clinical claims (including average cost), closed between financial years 2019/20 and 2021/22, with damages paid where the specialty is '**Community Mental Health Services**' or '**Psychiatry/Mental Health**' (includes the damages paid to date for any claims settled on a periodical payment order basis).

Table 4 shows:- Broken down by Primary Injury the number and cost of clinical claims (including average cost), closed between financial years 2019/20 and 2021/22, with damages paid where the specialty is '**Community Mental Health Services**' or '**Psychiatry/Mental Health**' (includes the damages paid to date for any claims settled on a periodical payment order basis).

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.

Table 1: The number of clinical claims and incidents notified between financial years 2019/20 and 2021/22, where the primary specialty is 'Community Mental Health Services' or 'Psychiatry/Mental Health'. Broken down by primary cause.

Table 2: The number and cost of clinical claims with damages paid, between financial years 2019/20 and 2021/22, where the primary specialty is 'Community Mental Health Services' or 'Psychiatry/Mental Health'. Broken down by year (includes the damages paid to date for any claims settled on a periodical payment order basis)

Table 3: Broken down by Primary Cause the number and cost of clinical claims (including average cost), closed between financial years 2019/20 and 2021/22, with damages paid where the specialty is 'Community Mental Health Services' or 'Psychiatry/Mental Health' (includes the damages paid to date for any claims settled on a periodical payment order basis).

Table 4: Broken down by Primary Injury the number and cost of clinical claims (including average cost), closed between financial years 2019/20 and 2021/22, with damages paid where the specialty is 'Community Mental Health Services' or 'Psychiatry/Mental Health' (includes the damages paid to date for any claims settled on a periodical payment order basis).

Table 1: The number of clinical claims and incidents notified between financial years 2019/20 and 2021/22, where the primary specialty is 'Community Mental Health Services' or 'Psychiatry/Mental Health'. Broken down by primary cause.

FOI View	Notified
Primary Cause	No. of Claims
Fail / Delay Treatment	224
Unexpected Death	155
Assault, Etc By Hospital Staff	134
Self Harm	121
Inappropriate Treatment	81
Inadequate Nursing Care	67
Fail To Supervise	63
Inappropriate Discharge	62
Failure/Delay Diagnosis	39
Medication Errors	34
Wrong Diagnosis	25
Other	24
Fail To Follow-Up Arrangements	23
Lack Of Assistance/Care	22
11 Causes with less than 5 claims	21
Fail/Delay Admitting To Hosp.	19
Injured By Another Patient	12
Not Specified	11
Fail/Delay Referring To Hosp.	10
Sexual Abuse	9
Unlawful Detention - Mntl Hlth	9
Fail To Recog. Complication Of	8
Fail To Act On Abnorm Test Res	6
Injury To Others By Patient	6
Fail To Warn-Informed Consent	5
Grand Total	1,190



Table 2: The number and cost of clinical claims with damages paid, between financial years 2019/20 and 2021/22, where the primary specialty is 'Community Mental Health Services' or 'Psychiatry/Mental Health'. Broken down by year (includes the damages paid to date for any claims settled on a periodical payment order basis)

FOI View
 Claim_Outcome Closed Settled
 Successful

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid	Average of Total Paid
2019/20	171	20,185,347	2,777,372	13,596,811	36,559,531	213,798
2020/21	172	27,993,115	3,282,629	12,264,308	43,540,052	253,140
2021/22	180	27,696,341	3,502,782	12,089,205	43,288,327	240,491
Grand Total	523	75,874,803	9,562,783	37,950,324	123,387,910	235,923

Table 3: Broken down by Primary Cause the number and cost of clinical claims (including average cost), closed between financial years 2019/20 and 2021/22, with damages paid where the speciality is 'Community Mental Health Services' or 'Psychiatry/Mental Health' (includes the damages paid to date for any claims settled on a periodical payment order basis).

FOI View Closed Settled
Claim_Outcome Successful

Primary Cause	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid	Average of Total Paid
Fail / Delay Treatment	96	14,358,355	1,470,322	6,350,588	22,179,265	231,034
Self Harm	64	13,750,149	1,553,432	6,545,834	21,849,415	341,397
Unexpected Death	59	8,201,804	1,013,978	3,902,240	13,118,022	222,339
Fail To Supervise	45	13,004,963	1,286,830	4,728,649	19,020,442	422,676
Inappropriate Treatment	39	2,584,661	571,978	2,439,666	5,596,306	143,495
Inadequate Nursing Care	29	3,958,774	624,884	2,116,200	6,699,858	231,030
Medication Errors	25	1,408,723	218,334	1,575,772	3,202,829	128,113
Failure/Delay Diagnosis	23	2,450,292	420,063	1,354,147	4,224,503	183,674
Inappropriate Discharge	19	2,826,905	406,680	1,325,058	4,558,643	239,929
Lack Of Assistance/Care	14	2,004,203	285,448	1,137,100	3,426,751	244,768
Assault, Etc By Hospital Staff	13	725,029	92,670	294,300	1,111,999	85,538
Sexual Abuse	12	352,000	78,838	379,955	810,793	67,566
Fail To Follow-Up Arrangements	10	156,000	78,318	406,200	640,518	64,052
Other	10	294,840	86,333	299,460	680,633	68,063
Fail/Delay Admitting To Hosp.	9	4,115,394	478,625	1,473,233	6,067,252	674,139
Injured By Another Patient	8	144,522	90,265	135,038	369,825	46,228
Injury To Others By Patient	7	3,346,622	351,222	1,195,268	4,893,113	699,016
Wrong Diagnosis	5	189,609	43,389	229,374	462,372	92,474
Failure To Perform Tests	5	186,350	63,807	225,625	475,782	95,156
Fail To Recog. Complication Of	#	#	#	#	#	#
Not Specified	#	#	#	#	#	#
Fail/Delay Referring To Hosp.	#	#	#	#	#	#
Fail To Act On Abnorm Test Res	#	#	#	#	#	#
Unlawful Detention - Mntl Hlth	#	#	#	#	#	#
Fail To Warn-Informed Consent	#	#	#	#	#	#
Fail To Carry Out PO Observs.	#	#	#	#	#	#
Err With Agnt/Dose/Route/Selec	#	#	#	#	#	#
Inc In Comm By Absc/disch Pat	#	#	#	#	#	#
InPatientSuicide- NonCollapsible Rails	#	#	#	#	#	#
EscapeSecurePrm byMHPtsTransfPrisoners	#	#	#	#	#	#
Application Of Excess Force	#	#	#	#	#	#
Premature Ceasure Of Treatment	#	#	#	#	#	#
MisplacedNaso/OrogastricTubeNotDet	#	#	#	#	#	#
Grand Total	523	75,874,803	9,562,783	37,950,324	123,387,910	235,923

Table 4: Broken down by Primary Injury the number and cost of clinical claims (including average cost), closed between financial years 2019/20 and 2021/22, with damages paid where the specialty is 'Community Mental Health Services' or 'Psychiatry/Mental Health' (includes the damages paid to date for any claims settled on a periodical payment order basis).

FOI View	Closed Settled
Claim_Outcome	Successful

Primary Injury	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid	Average of Total Paid
Fatality	283	31,231,386	4,777,511	19,155,591	55,164,489	194,928
Psychiatric/Psychological Dmge	97	5,623,510	984,391	3,978,191	10,586,093	109,135
Fracture	19	656,582	86,159	495,628	1,238,369	65,177
Unnecessary Pain	18	961,510	151,864	1,456,077	2,569,451	142,747
Multiple Injuries	15	12,769,139	1,282,076	5,282,737	19,333,952	1,288,930
Brain Damage	14	9,757,041	969,925	2,992,886	13,719,852	979,989
Burn(s)	8	452,149	55,327	312,588	820,064	102,508
Bodily Harm/Murder	7	465,020	105,542	252,016	822,578	117,511
Bruising/ Extravasation	6	820,165	104,611	199,145	1,123,922	187,320
Scarring	6	245,180	66,497	400,250	711,927	118,655
Sexual Abuse	6	262,500	23,167	193,055	478,722	79,787
Other	5	140,095	44,199	219,501	403,795	80,759
Pressure Sores	#	#	#	#	#	#
Tardive Dyskinesia	#	#	#	#	#	#
Cardiac Arrest	#	#	#	#	#	#
Amputation - Lower	#	#	#	#	#	#
Not Specified	#	#	#	#	#	#
Tissue Damage	#	#	#	#	#	#
Perforation	#	#	#	#	#	#
Spinal Damage	#	#	#	#	#	#
Nerve Damage	#	#	#	#	#	#
Cardiovascular Condition	#	#	#	#	#	#
Foot Drop	#	#	#	#	#	#
Paraplegia	#	#	#	#	#	#
Epilepsy	#	#	#	#	#	#
Bowel Damage/ Dysfunction	#	#	#	#	#	#
Respiratory Disorder/ Failure	#	#	#	#	#	#
Oedema	#	#	#	#	#	#
Amputation - Upper	#	#	#	#	#	#
Liver Damage	#	#	#	#	#	#
Joint Damage	#	#	#	#	#	#
Removal Of Fallopien Tube	#	#	#	#	#	#
Renal Damage/ Failure	#	#	#	#	#	#
Adtnl/unnecessary Operation(s)	#	#	#	#	#	#
Anaphylact Shock/Allergic Shock/allergy	#	#	#	#	#	#
Grand Total	523	75,874,803	9,562,783	37,950,324	123,387,910	235,923