



Resolution

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March 2023
FOI_5811

The following information was requested on 6 February 2023:

In relation to Kent and Medway NHS and Social Care Partnership Trust -

- A. How many times have they 'settled' (financial compensation) out of court relating to 2018/2019, 2019/2020, 2021/2022 in relation to a personal injury claim?*
- B. How many times have they been taken to court for a 'settlement' (financial compensation) out of court relating to 2018/2019, 2019/2020, 2021/2022 for a personal injury claim?*
- C. How many counts of clinical/medical negligence claims were made against them relating to 2018/2019, 2019/2020, 2021/2022?*
- D. How many counts of personal injury claims were made against the trust relating to 2018/2019, 2019/2020, 2021/2022?*
- E. How many counts of misdiagnosis claims were made against the trust relating to 2018/2019, 2019/2020, 2021/2022?*
- F. What was the settlement for each of these claims relating to 2018/2019, 2019/2020, 2021/2022?*
- G. How many times did the Trust 'settle' or go to court for delayed diagnosis relating to 2018/2019, 2019/2020, 2021/2022?*

Please feel free to amend any date errors or grammar as needed and let me know if you require anymore information or clarity.

Our Response

Please find attached the requested information. Details of the clinical schemes referred to can be found here:- [Claims Management - NHS Resolution](#)

Table 1 shows:- Number and Cost of LTPS Claims Closed between financial years 2018/19 and 2021/22 with damages paid where the Trust is Kent and Medway NHS and Social Care Partnership Trust including trial information. This provides the answer to questions A and B. We have interpreted taken to court as meaning gone to trial in the claim.

Table 2 shows:- Number of CNST Claims and Incidents received between financial years 2018/19 and 2021/22 where the Trust is Kent and Medway NHS and Social Care Partnership Trust.

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.

Table 3 shows:- Number of LTPS Claims and incidents received between financial years 2018/19 and 2021/22 where the Trust is Kent and Medway NHS and Social Care Partnership Trust.

Table 4 shows:- Number of CNST Claims and Incidents received between financial years 2018/19 and 2021/22 where the Trust is Kent and Medway NHS and Social Care Partnership Trust and Primary cause is '**Missed Diagnosis**' or '**Failure/delay diagnosis**'.

Table 5 shows:- Number and Cost of CNST Claims Closed between financial years 2018/19 and 2021/22 with damages paid where the Trust is Kent and Medway NHS and Social Care Partnership Trust and Primary cause is '**Missed Diagnosis**' or '**Failure/delay diagnosis**'.

Table 6 shows:- Number of CNST Claims Closed between financial years 2018/19 and 2021/22 with damages paid where the Trust is Kent and Medway NHS and Social Care Partnership Trust and Primary cause is '**Missed Diagnosis**' or '**Failure/delay diagnosis**' broken down by outcome including trial information.

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: Number of LTPS Claims Closed between financial years 2018/19 and 2021/22 with damages paid where the Trust is Kent and Medway NHS and Social Care Partnership Trust including trial information](#)

[Table 2: Number of CNST Claims and Incidents received between financial years 2018/19 and 2021/22 where the Trust is Kent and Medway NHS and Social Care Partnership Trust](#)

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[Table 5: Number and Cost of CNST Claims Closed between financial years 2018/19 and 2021/22 with damages paid where the Trust is Kent and Medway NHS and Social Care Partnership Trust and Primary cause is 'Missed Diagnosis' or 'Failure/delay diagnosis'](#)

[Table 6: Number of CNST Claims Closed between financial years 2018/19 and 2021/22 with damages paid where the Trust is Kent and Medway NHS and Social Care Partnership Trust and Primary cause is 'Missed Diagnosis' or 'Failure/delay diagnosis' broken down by outcome including trial information](#)

Table 1: Number of LTPS Claims Closed between financial years 2018/19 and 2021/22 with damages paid where the Trust is Kent and Medway NHS and Social Care Partnership Trust including trial information

FOI View scheme	Closed Settled LTPS
Claim_Outcome	Successful

Has the Claim gone to Trial?	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Without Trial	28	295,255	72,506	288,152	655,913
Grand Total	28	295,255	72,506	288,152	655,913

Table 2: Number of CNST Claims and Incidents received between financial years 2018/19 and 2021/22 where the Trust is Kent and Medway NHS and Social Care Partnership Trust

FOI View scheme	Notified CNST
Year of Notification	No. of Claims
2018/19	11
2019/20	7
2020/21	11
2021/22	16
Grand Total	45

Table 3: Number of LTPS Claims and incidents received between financial years 2018/19 and 2021/22 where the Trust is Kent and Medway NHS and Social Care Partnership Trust

FOI View scheme	Notified LTPS
Year of Notification	No. of Claims
2018/19	7
2019/20	9
2020/21	#
2021/22	6

Table 4: Number of CNST Claims and Incidents received between financial years 2018/19 and 2021/22 where the Trust is Kent and Medway NHS and Social Care Partnership Trust and Primary cause is 'Missed Diagnosis' or 'Failure/delay diagnosis'

FOI View scheme Claim_Outcome Cause1L1	Notified CNST (All) Failure/Delay Diagnosis
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Year of Notification	No. of Claims
2018/19	#
2019/20	0
2020/21	#
2021/22	0
Grand Total	#

Table 5: Number and Cost of CNST Claims Closed between financial years 2018/19 and 2021/22 with damages paid where the Trust is Kent and Medway NHS and Social Care Partnership Trust and Primary cause is 'Missed Diagnosis' or 'Failure/delay diagnosis'

FOI View scheme	Closed Settled CNST
Claim_Outcome	Successful
Cause1L1	Failure/Delay Diagnosis

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2018/19	0	0	0	0	0
2019/20	0	0	0	0	0
2020/21	0	0	0	0	0
2021/22	#	#	#	#	#

Table 6: Number of CNST Claims Closed between financial years 2018/19 and 2021/22 with damages paid where the Trust is Kent and Medway NHS and Social Care Partnership Trust and Primary cause is 'Missed Diagnosis' or 'Failure/delay diagnosis' broken down by outcome including trial information

FOI View scheme Cause1L1	Closed Settled CNST Failure/Delay Diagnosis
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Has the claim gone to trial?	
---Claim Outcome	No. of Claims
Without Trial	
Successful	#
Unsuccessful	#
Grand Total	5