



# Resolution

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March 2023  
FOI\_5847

The following information was requested and clarified on 21<sup>st</sup> February 2023:

*Please can you provide the total number of claims, total value (£) of pay outs, and total fatalities recorded by each NHS Trust under the two category codes of Delay In Performing Operation and Failure to Perform Operation*

*Please provide the information as an Excel file, with each section divided by year, and then NHS Trust - with the values given as total number of claims, total value (£) of pay outs, and total fatalities recorded by each trust under the codes given above?*

*Please can you provide the information 2015-16 to the most recently available data - 21-22 if that is the most recent.*

## Our Response

Please find attached the requested information. Please note this information will only cover NHS Trusts in England.

Please note claims notified/received and open are not guaranteed to settle in the same year and can take many years to conclude. 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.

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.

**Table 1 shows:** - The total number and cost of Clinical Claims closed between the financial years 2015-16 – 2021/22 where any injury is **Fatality** and the primary cause is **Delay in Performing Operation** with a damages payment. Broken down by year.

**Table 2 shows:** - The total number and cost of Clinical Claims closed between the financial years 2015-16 – 2021/22 where any injury is **Fatality** and the primary cause is **Failure to perform operation** with a damages payment. Broken down by year.

**Table 3 shows:** - Breakdown by Trust for the total number and cost of Clinical Claims closed between the financial years 2015-16 – 2021/22 where any injury is **Fatality** and the primary cause is **Delay in Performing Operation** with a damages payment.

**Table 4 shows:** - Breakdown by Trust for the total number and cost of Clinical Claims closed between the financial years 2015-16 – 2021/22 where any injury is **Fatality** and the primary cause is **Failure to perform operation** with a damages payment.

### **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 total number and cost of Claims closed between the financial years 2015-16 – 2021/22 where any injury is Fatality and the primary cause is Delay in Performing Operation with a damages payment. Broken down by year.

Table 2: The total number and cost of Claims closed between the financial years 2015-16 – 2021/22 where any injury is Fatality and the primary cause is Failure to perform operation with a damages payment. Broken down by year.

Table 3: Breakdown by Trust for the total number and cost of Claims closed between the financial years 2015-16 – 2021/22 where any injury is Fatality and the primary cause is Delay in Performing Operation with a damages payment.

Table 4: Breakdown by Trust for the total number and cost of Claims closed between the financial years 2015-16 – 2021/22 where any injury is Fatality and the primary cause is Failure to perform operation with a damages payment.

Table 1: The total number and cost of Claims closed between the financial years 2015-16 – 2021/22 where any injury is Fatality and the primary cause is Delay in Performing Operation with a damages payment. Broken down by year.

FOI View Cause1L1 Closed Settled Delay In Performing Operation

Year of Closure	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2015/16	5	258,000	55,373	147,770	461,143
2016/17	14	718,500	129,676	595,324	1,443,500
2017/18	10	267,836	46,976	218,850	533,662
2018/19	6	293,500	125,955	355,874	775,329
2019/20	8	545,000	143,990	504,243	1,193,234
2020/21	8	796,755	89,874	465,675	1,352,304
2021/22	18	1,046,619	103,979	656,866	1,807,464
<b>Grand Total</b>	<b>69</b>	<b>3,926,210</b>	<b>695,824</b>	<b>2,944,603</b>	<b>7,566,637</b>

**Table 2: The total number and cost of Claims closed between the financial years 2015-16 – 2021/22 where any injury is Fatality and the primary cause is Failure to perform operation with a damages payment. Broken down by year.**

FOI View Cause1L1 Closed Settled Failure To Perform Operation

Year of Closure	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2015/16	#	#	#	#	#
2016/17	#	#	#	#	#
2017/18	#	#	#	#	#
2018/19	#	#	#	#	#
2019/20	5	281,274	83,760	297,000	662,034
2020/21	#	#	#	#	#
2021/22	#	#	#	#	#
<b>Grand Total</b>	<b>20</b>	<b>1,572,225</b>	<b>217,464</b>	<b>1,012,181</b>	<b>2,801,870</b>

**Table 3: Breakdown by Trust for the total number and cost of Claims closed between the financial years 2015-16 – 2021/22 where any injury is Fatality and the primary cause is Delay in Performing Operation with a damages payment.**

FOI View Cause1L1 Closed Settled Delay In Performing Operation

Trust Name	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Manchester University NHS Foundation Trust	6	319,500	58,249	299,294	677,043
Nottingham University Hospitals NHS Trust	#	#	#	#	#
Wrightington, Wigan and Leigh NHS Foundation Trust	#	#	#	#	#
University Hospitals Birmingham NHS Foundation Trust	#	#	#	#	#
King's College Hospital NHS Foundation Trust	#	#	#	#	#
Worcestershire Acute Hospitals NHS Trust	#	#	#	#	#
Western Sussex Hospitals NHS Trust	#	#	#	#	#
The Leeds Teaching Hospitals NHS Trust	#	#	#	#	#
Tameside and Glossop Integrated Care NHS Foundation Trust	#	#	#	#	#
Barking, Havering and Redbridge University Hospitals NHS Trust	#	#	#	#	#
Kingston Hospital NHS Trust	#	#	#	#	#
Countess of Chester Hospital NHS Foundation Trust	#	#	#	#	#
Basildon and Thurrock University Hospitals NHS Foundation Trust	#	#	#	#	#
Mid Cheshire Hospitals NHS Foundation Trust	#	#	#	#	#
Mid Staffordshire NHS Foundation Trust	#	#	#	#	#
Shrewsbury and Telford Hospital NHS Trust	#	#	#	#	#
Isle of Wight NHS Trust	#	#	#	#	#
Ipswich Hospital NHS Trust (The)	#	#	#	#	#
London North West University Healthcare NHS Trust	#	#	#	#	#
Bedford Hospital NHS Trust	#	#	#	#	#
Luton and Dunstable University Hospital NHS Foundation Trust	#	#	#	#	#
Southend University Hospital NHS Foundation Trust	#	#	#	#	#
Barts Health NHS Trust	#	#	#	#	#
The Queen Elizabeth Hospital King's Lynn NHS Foundation Trust	#	#	#	#	#
Mid and South Essex NHS Foundation Trust	#	#	#	#	#
University Hospitals of Morecambe Bay NHS Foundation Trust	#	#	#	#	#
East Kent Hospitals University NHS Foundation Trust	#	#	#	#	#
Lancashire Teaching Hospitals NHS Foundation Trust	#	#	#	#	#
East Suffolk and North Essex NHS Foundation Trust	#	#	#	#	#
South Tees Hospitals NHS Foundation Trust	#	#	#	#	#
Airedale NHS Foundation Trust	#	#	#	#	#
Imperial College Healthcare NHS Trust	#	#	#	#	#
North Tees & Hartlepool NHS Foundation Trust	#	#	#	#	#
The London North West Health Care NHS Trust	#	#	#	#	#
Northern Lincolnshire & Goole Hospitals NHS Foundation Trust	#	#	#	#	#
University College London Hospitals NHS Foundation Trust	#	#	#	#	#
East Suffolk North Essex NHS Foundation Trust	#	#	#	#	#
University Hospitals of Leicester NHS Trust	#	#	#	#	#
Oxford University Hospitals NHS Foundation Trust	#	#	#	#	#
West Suffolk NHS Foundation Trust	#	#	#	#	#
Portsmouth Hospitals NHS Trust	#	#	#	#	#
Bedfordshire Hospitals NHS Foundation Trust	#	#	#	#	#
Royal Free London NHS Foundation Trust	#	#	#	#	#
Royal Wolverhampton NHS Trust (The)	#	#	#	#	#
Milton Keynes Hospital NHS Foundation Trust	#	#	#	#	#
<b>Grand Total</b>	<b>69</b>	<b>3,926,210</b>	<b>695,824</b>	<b>2,944,603</b>	<b>7,566,637</b>

**Table 4: Breakdown by Trust for the total number and cost of Claims closed between the financial years 2015-16 – 2021/22 where any injury is Fatality and the primary cause is Failure to perform operation with a damages payment.**

FOI View Cause1L1 Closed Settled Failure To Perform Operation

Trust Name	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Barking, Havering and Redbridge University Hospitals NHS Trust	#	#	#	#	#
Basildon and Thurrock University Hospitals NHS Foundation Trust	#	#	#	#	#
Birmingham Women's and Children's NHS Foundation Trust	#	#	#	#	#
Central Manchester University Hospitals NHS Foundation Trust	#	#	#	#	#
Croydon Health Services NHS Trust	#	#	#	#	#
King's College Hospital NHS Foundation Trust	#	#	#	#	#
Northern Lincolnshire & Goole Hospitals NHS Foundation Trust	#	#	#	#	#
Nottingham University Hospitals NHS Trust	#	#	#	#	#
Pennine Acute Hospitals NHS Trust (The)	#	#	#	#	#
Plymouth Hospitals NHS Trust	#	#	#	#	#
Princess Alexandra Hospital NHS Trust (The)	#	#	#	#	#
Sheffield Teaching Hospitals NHS Foundation Trust	#	#	#	#	#
United Lincolnshire Hospitals NHS Trust	#	#	#	#	#
University Hospitals Bristol & Weston NHS Foundation Trust	#	#	#	#	#
University Plymouth Hospitals NHS Trust	#	#	#	#	#
Worcestershire Acute Hospitals NHS Trust	#	#	#	#	#
<b>Grand Total</b>	<b>20</b>	<b>1,572,225</b>	<b>217,464</b>	<b>1,012,181</b>	<b>2,801,870</b>