



Resolution

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March 2023
FOI_5854

The following information was requested on 27 February 2023 and clarified on 6 March 2023:

A list of the number of medical negligence claims made against Aintree University hospital. Where possible please include a breakdown of causes/reasons and the total payout amounts.

For the last 3 years.

Our Response

Please find attached the requested information.

Please note we only hold information in relation to NHS Trusts as it is the Trust that is covered by the indemnity. Therefore, we have provided information in relation to Liverpool University Hospitals NHS Foundation Trust, which Aintree University hospital comes under.

Please note the data for the financial year 2022/23 is currently unavailable as it is incomplete (the financial year is not complete) and has not been audited. This information will be available on request from July 2023.

Table 1 shows: Number of Clinical Claims and Incidents received between financial years 2019/20 and 2021/22 where the Trust is '**Liverpool University Hospitals NHS Foundation Trust**'. 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.

Table 2 shows: Number and Cost of Clinical Claims Closed/Settled between financial years 2019/20 and 2021/22 with damages paid where the Trust is 'Liverpool University Hospitals NHS Foundation Trust'. Breakdown by year.

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 3 shows: Number and Cost of Clinical Claims Closed/Settled between financial years 2019/20 and 2021/22 with damages paid Trust is '**Liverpool University Hospitals NHS Foundation Trust**'. Breakdown by primary cause.

Table 4 shows: Number and Cost of Clinical Claims Closed/Settled between financial years 2019/20 and 2021/22 with **NIL** damages paid Trust is '**Liverpool University Hospitals NHS Foundation Trust**'. Breakdown by primary cause.

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 1: Number of Clinical Claims and Incidents received between financial years 2019/20 and 2021/22 where the Trust is 'Liverpool University Hospitals NHS Foundation Trust'. Breakdown by year.

FOI View	Notified
Year of Notification	No. of Claims
2019/20	127
2020/21	142
2021/22	119
Grand Total	388

Table 2: Number and Cost of Clinical Claims Closed/Settled between financial years 2019/20 and 2021/22 with damages paid where the Trust is 'Liverpool University Hospitals NHS Foundation Trust'. Breakdown by year.

FOI View	Closed Settled
Claim_Outcome	Successful

Year of Closure	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2019/20	115	6,088,102	1,061,811	4,259,827	11,409,740
2020/21	81	4,711,801	845,084	3,084,854	8,641,739
2021/22	88	6,095,934	1,053,366	3,757,914	10,907,213
Grand Total	284	16,895,836	2,960,260	11,102,595	30,958,692

Table 3: Number and Cost of Clinical Claims Closed/Settled between financial years 2019/20 and 2021/22 with damages paid Trust is 'Liverpool University Hospitals NHS Foundation Trust'. Breakdown by primary cause.

FOI View	Closed Settled
Claim_Outcome	Successful

Primary Cause	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Failure/Delay Diagnosis	52	4,481,789	674,135	2,520,012	7,675,936
Fail / Delay Treatment	51	2,256,836	486,510	1,781,205	4,524,552
Intra-Op Problems	28	2,455,049	498,754	1,373,243	4,327,047
Inadequate Nursing Care	25	917,228	186,128	914,587	2,017,943
Inappropriate Treatment	12	1,246,632	260,006	895,450	2,402,088
Operator Error	11	330,762	113,041	520,740	964,543
Fail To Follow-Up Arrangements	9	790,085	142,620	344,695	1,277,401
Fail To Recog. Complication Of	9	845,000	134,926	508,584	1,488,511
Fail To Supervise	9	279,527	60,956	225,280	565,762
Medication Errors	8	2,159,884	73,510	407,512	2,640,906
Failure To Interpret X-Ray	8	56,395	26,611	129,304	212,310
Failure To Perform Tests	7	246,714	44,303	250,700	541,717
Wrong Diagnosis	6	137,647	55,725	196,200	389,572
Err With Agnt/Dose/Route/Selec	6	56,000	10,612	90,375	156,987
Fail To Warn-Informed Consent	5	141,000	12,907	126,390	280,297
Fail To Act On Abnorm Test Res	5	37,539	19,387	107,062	163,988
Foreign Body Left In Situ	#	#	#	#	#
Equipment Malfunction	#	#	#	#	#
Lack Of Assistance/Care	#	#	#	#	#
Wrong Site Surgery	#	#	#	#	#
Bacterial Infection	#	#	#	#	#
Delay In Performing Operation	#	#	#	#	#
Perform. Of Op. Not Indicated	#	#	#	#	#
Tooth Inj & Patient Posit Prob	#	#	#	#	#
Failure To X-Ray	#	#	#	#	#
Fail To Infrm Test Rslts	#	#	#	#	#
Inadequate Monitoring Intra-Op	#	#	#	#	#
Fail To Carry Out PO Observs.	#	#	#	#	#
Fail/Delay Admitting To Hosp.	#	#	#	#	#
Application Of Excess Force	#	#	#	#	#
Lack Of Facilities/Equipment	#	#	#	#	#
Infusion Problems	#	#	#	#	#
Cross Infection	#	#	#	#	#
Inappropriate Discharge	#	#	#	#	#
Grand Total	284	16,895,836	2,960,260	11,102,595	30,958,692

Table 4: Number and Cost of Clinical Claims Closed/Settled between financial years 2019/20 and 2021/22 with NIL damages paid Trust is 'Liverpool University Hospitals NHS Foundation Trust'. Breakdown by primary cause.

FOI View	Closed Settled
Claim_Outcome	Unsuccessful

Primary Cause	No. of Claims	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Fail / Delay Treatment	46	292,127	0	292,127
Failure/Delay Diagnosis	25	243,142	0	243,142
Fail To Warn-Informed Consent	13	129,321	0	129,321
Intra-Op Problems	13	179,615	0	179,615
Inadequate Nursing Care	10	25,917	0	25,917
Inappropriate Treatment	9	16,049	0	16,049
Wrong Diagnosis	#	#	#	#
Foreign Body Left In Situ	#	#	#	#
Fail To Recog. Complication Of Operator Error	#	#	#	#
Fail To Supervise	#	#	#	#
Failure To Interpret X-Ray	#	#	#	#
Medication Errors	#	#	#	#
Delay In Performing Operation	#	#	#	#
Fail To Follow-Up Arrangements	#	#	#	#
Failure To Perform Tests	#	#	#	#
Lack Of Facilities/Equipment	#	#	#	#
Failure To X-Ray	#	#	#	#
Failure To Perform Operation	#	#	#	#
Unknown	#	#	#	#
Other	#	#	#	#
Err With Agnt/Dose/Route/Selec Perform. Of Op. Not Indicated	#	#	#	#
Inadequate Monitoring Intra-Op	#	#	#	#
Wrong Application Of Electrode	#	#	#	#
Fail To Act On Abnorm Test Res	#	#	#	#
Equipment Malfunction	#	#	#	#
Inappropriate Discharge	#	#	#	#
Grand Total	151	1,036,000	0	1,036,000