



# Resolution

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

May 2023  
FOI\_5944

The following information was requested on 24 April 2023:

Follow up to [FOI\\_5906](#)

*I have reviewed the codes you use to store your information, Can I please request the following information relating to 1) "Incorrect Injection Site" 2) "nerve damage" and 3) "Unnecessary Pain"*

- *Number of claims made for each category*
- *Compensation/settlement paid out for each of the claims*

*I would like this data for the last 5 years*

*In your FOI response with reference FOI\_5906, you mentioned that there have been 21 vaccination claims of which 7 settled with damages paid - please confirm what these 7 settled cases related to i.e. the specific cause of the claim and please confirm what the payments/damages were for each of the 7 claims/settlements (not overall total)*

## Our Response

Please find attached the requested information. This information only covers England and not the rest of the UK. Please note the data for the financial year 2022/23 is currently unavailable and has not been audited. This information will be available on request from July 2023.

**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 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. Claims closed in any given year will often relate to claims received/notified many years prior.

The data shows variation in numbers of cases received per year. This is a reflection of the nature of individual claims received 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.

The data shows variation in numbers of cases closed per year and costs attributed to those claims. This is a reflection of the nature of individual claims received and resolved by NHS Resolution, which can vary significantly. As such, these fluctuations cannot be interpreted as trends.

**Table 1 shows:** - Number of Clinical Claims and Incidents notified/received between financial years 2017/18 and 2021/22 where the Primary Cause is '**Incorrect Injection Site**'.

**Table 2 shows:** - Number and Cost of Clinical Claims closed between financial years 2017/18 – 2021/22 with damages paid where the Primary Cause is '**Incorrect Injection Site**'. There are no PPOs within this table.

**Table 3 shows:** - Number of Clinical Claims and Incidents notified/received between financial years 2017/18 and 2021/22 where the Primary Injury is '**Nerve Damage**'.

**Table 4 shows:-** Number and Cost of Clinical Claims Closed/Settled as a PPO between financial years 2017/18 and 2021/22 with damages paid (including PPOs paid to date) where the Primary Injury is '**Nerve Damage**'.

**Table 5 shows:** - Number of Clinical Claims and Incidents notified/received between financial years 2017/18 and 2021/22 where the Primary Injury is '**Unnecessary Pain**'.

**Table 6 shows:-** Number and Cost of Clinical Claims Closed/Settled as a PPO between financial years 2017/18 and 2021/22 with damages paid (including PPOs paid to date) where the Primary Injury is '**Unnecessary Pain**'.

#### **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 / claimant'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.

In terms of your request for: *In your FOI response with reference FOI\_5906, you mentioned that there have been 21 vaccination claims of which 7 settled with damages paid - please confirm what these 7 settled cases related to i.e. the specific cause of the claim and please confirm what the payments/damages were for each of the 7 claims/settlements (not overall total)*

We are unable to provide this information as we feel the disclosure will lead to information that could identify individuals. We do not supply specific information on individual cases. Please refer to our low numbers refusal notice for further details.

### **Low Numbers**

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 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.

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 Clinical Claims and Incidents received between financial years 2017/18 and 2021/22 where the Primary Cause is 'Incorrect Injection Site'.](#)

[Table 2: Number and Cost of Clinical Claims Closed between financial years 2017/18 and 2021/22 with damages paid where the Primary Cause is 'Incorrect Injection Site'.](#)

[Table 3: Number of Clinical Claims and Incidents received between financial years 2017/18 and 2021/22 where the Primary Injury is 'Nerve damage'.](#)

[Table 4: Number and Cost of Clinical Claims Closed/Settled as a PPO between financial years 2017/18 and 2021/22 with damages paid \(including PPOs paid to date\) where the Primary Injury is 'Nerve damage'.](#)

[Table 5: Number of Clinical Claims and Incidents received between financial years 2017/18 and 2021/22 where the Primary Injury is 'Unnecessary Pain'.](#)

[Table 6: Number and Cost of Clinical Claims Closed/Settled as a PPO between financial years 2017/18 and 2021/22 with damages paid \(including PPOs paid to date\) where the Primary Injury is 'Unnecessary Pain'.](#)

Table 1: Number of Clinical Claims and Incidents received between financial years 2017/18 and 2021/22 where the Primary Cause is 'Incorrect Injection Site'.

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|          |                          |
|----------|--------------------------|
| FOI View | Notified                 |
| Clinical | Clinical                 |
| Cause1L1 | Incorrect Injection Site |

| Year of Notification | No. of Claims |
|----------------------|---------------|
| 2017/18              | 15            |
| 2018/19              | 6             |
| 2019/20              | 23            |
| 2020/21              | 18            |
| 2021/22              | 33            |
| <b>Grand Total</b>   | <b>95</b>     |

**Table 2: Number and Cost of Clinical Claims Closed between financial years 2017/18 and 2021/22 with damages paid where the Primary Cause is 'Incorrect Injection Site'.**

|               |                          |
|---------------|--------------------------|
| FOI View      | Closed Settled           |
| Clinical      | Clinical                 |
| Claim_Outcome | Successful               |
| Cause1L1      | Incorrect Injection Site |

| Year of Closure    | No. of Claims | Damages Paid     | NHS Legal Costs Paid | Claimant Legal Costs Paid | Total Paid       |
|--------------------|---------------|------------------|----------------------|---------------------------|------------------|
| 2017/18            | 15            | 555,010          | 184,480              | 714,970                   | 1,454,461        |
| 2018/19            | 12            | 673,976          | 168,043              | 657,023                   | 1,499,042        |
| 2019/20            | 10            | 879,460          | 77,596               | 471,838                   | 1,428,894        |
| 2020/21            | 6             | 109,456          | 33,801               | 234,450                   | 377,707          |
| 2021/22            | 12            | 2,674,558        | 170,086              | 536,250                   | 3,380,894        |
| <b>Grand Total</b> | <b>55</b>     | <b>4,892,460</b> | <b>634,006</b>       | <b>2,614,531</b>          | <b>8,140,997</b> |

**Table 3: Number of Clinical Claims and Incidents received between financial years 2017/18 and 2021/22 where the Primary Injury is 'Nerve damage'.**

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|           |              |
|-----------|--------------|
| FOI View  | Notified     |
| Clinical  | Clinical     |
| Injury1L1 | Nerve Damage |

| Year of Notification | No. of Claims |
|----------------------|---------------|
| 2017/18              | 266           |
| 2018/19              | 260           |
| 2019/20              | 283           |
| 2020/21              | 304           |
| 2021/22              | 319           |
| <b>Grand Total</b>   | <b>1,432</b>  |



**Table 4: Number and Cost of Clinical Claims Closed/Settled as a PPO between financial years 2017/18 and 2021/22 with damages paid (including PPOs paid to date) where the Primary Injury is 'Nerve damage'.**

|               |                |
|---------------|----------------|
| FOI View      | Closed Settled |
| Clinical      | Clinical       |
| Claim_Outcome | Successful     |
| Injury1L1     | Nerve Damage   |

| Year of Closure (Settlement Year for PPOs) | No. of Claims | Damages Paid       | NHS Legal Costs Paid | Claimant Legal Costs Paid | Total Paid         |
|--|---------------|--------------------|----------------------|---------------------------|--------------------|
| 2017/18                                    | 204           | 33,477,787         | 5,334,609            | 19,055,019                | 57,867,416         |
| 2018/19                                    | 189           | 41,990,416         | 4,842,006            | 17,736,691                | 64,569,113         |
| 2019/20                                    | 188           | 29,955,136         | 4,265,344            | 15,570,821                | 49,791,301         |
| 2020/21                                    | 170           | 33,222,118         | 4,336,987            | 15,230,863                | 52,789,969         |
| 2021/22                                    | 186           | 46,270,559         | 5,519,082            | 17,798,497                | 69,588,138         |
| <b>Grand Total</b>                         | <b>937</b>    | <b>184,916,016</b> | <b>24,298,029</b>    | <b>85,391,891</b>         | <b>294,605,937</b> |

Table 5: Number of Clinical Claims and Incidents received between financial years 2017/18 and 2021/22 where the Primary Injury is 'Unnecessary Pain'.

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|                                   |  |
|-----------------------------------|--|
| FOI View<br>Clinical<br>Injury1L1 | Notified<br>Clinical<br>Unnecessary Pain |
|-----------------------------------|--|

| Year of Notification | No. of Claims |
|----------------------|---------------|
| 2017/18              | 1,996         |
| 2018/19              | 1,739         |
| 2019/20              | 1,856         |
| 2020/21              | 2,311         |
| 2021/22              | 2,290         |
| <b>Grand Total</b>   | <b>10,192</b> |

**Table 6: Number and Cost of Clinical Claims Closed/Settled as a PPO between financial years 2017/18 and 2021/22 with damages paid (including PPOs paid to date) where the Primary Injury is 'Unnecessary Pain'.**

|               |                  |
|---------------|------------------|
| FOI View      | Closed Settled   |
| Clinical      | Clinical         |
| Claim_Outcome | Successful       |
| Injury1L1     | Unnecessary Pain |

| Year of Closure (Settlement Year for PPOs) | No. of Claims | Damages Paid       | NHS Legal Costs Paid | Claimant Legal Costs Paid | Total Paid         |
|--|---------------|--------------------|----------------------|---------------------------|--------------------|
| 2017/18                                    | 1,213         | 34,908,029         | 7,325,192            | 35,613,833                | 77,847,054         |
| 2018/19                                    | 1,155         | 40,422,969         | 8,432,468            | 36,165,308                | 85,020,745         |
| 2019/20                                    | 1,269         | 42,809,898         | 8,096,828            | 36,703,659                | 87,610,385         |
| 2020/21                                    | 1,046         | 43,190,997         | 8,304,366            | 35,182,565                | 86,677,928         |
| 2021/22                                    | 1,199         | 55,963,825         | 10,014,819           | 44,133,287                | 110,111,931        |
| <b>Grand Total</b>                         | <b>5,882</b>  | <b>217,295,717</b> | <b>42,173,673</b>    | <b>187,798,653</b>        | <b>447,268,043</b> |