



# Resolution

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

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FOI\_5951

The following information was requested on 1 May 2023:

- 1. How many clinical negligence claims involving a **fatality** were paid out in the 2021/22 financial years?*
- 2. What was the total amount of damages paid in relation to these claims?*
- 3. For the financial year 2021/22, please provide a breakdown of the cause of death, where a claim has been made of negligence involving the death and a pay-out was made to the claimant?*
- 4. In 2021/22 which ten NHS Trusts have had the most number of claims made against them for fatality where a pay-out has been made? For each of these ten trusts please provide (i) the name of the trust, (ii) the number of fatality claims paid out and (iii) the total value of the damages paid out in those claims.*

*NOTE: Please note that this question relates to the year in which the claim was settled, not the year the incident happened or the year the claim was lodged.*

## Our Response

Please find attached the requested information. This information only covers England and not the rest of the UK.

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 closed compared with the previous year (as per [FOI 5050 Fatality-Claims.pdf \(resolution.nhs.uk\)](#)). This is a reflection of the nature of individual claims resolved by NHS Resolution, which can vary significantly. As such, these fluctuations cannot be interpreted as trends.

The information disclosed **excludes** Periodical payment order (PPO), (which 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) due to their nature and

reflects the search criteria used in [FOI 5050 Fatality-Claims.pdf \(resolution.nhs.uk\)](#) & [FOI 5421 Fatality-Claims.pdf \(resolution.nhs.uk\)](#) .

**Table 1 shows:** - Number of Clinical Negligence Claims with Damage Paid, Closed in Financial Year 2021/22 where any injury was '**Fatality**'.

**Table 2 shows:** - Number of Clinical Negligence Claims with Damages Paid, Closed in Financial Year 2021/22 where any Injury was '**Fatality**', broken down by Primary Cause.

**Table 3 shows:** - **Top 10 NHS Trusts** with the Most Clinical Negligence Claims with Damages Paid, Closed in Financial Year 2021/22 where any Injury was '**Fatality**'.

### **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.

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 Negligence Claims with Damage Paid, Closed in Financial Year 2021/22 where any injury was 'Fatality'](#)

[Table 2: Number of Clinical Negligence Claims with Damages Paid, Closed in Financial Year 2021/22 where any Injury was Fatality, broken down by Primary Cause](#)

[Table 3: Top 10 NHS Trusts with the Most Clinical Negligence Claims with Damages Paid, Closed in Financial Year 2021/22 where any Injury was 'Fatality'](#)

Table 1: Number of Clinical Negligence Claims with Damage Paid, Closed in Financial Year 2021/22 where any injury was 'Fatality'

FOI View	Closed Settled
Claim_Outcome	Successful
Clinical	Clinical

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid
2021/22	1,095	114,192,272
<b>Grand Total</b>	<b>1,095</b>	<b>114,192,272</b>

**Table 2: Number of Clinical Negligence Claims with Damages Paid, Closed in Financial Year 2021/22 where any Injury was Fatality, broken down by Primary Cause**

FOI View	Closed Settled
Claim_Outcome	Successful
Clinical	Clinical

Year of Closure (Settlement Year for PPOs) ----- Primary Causes	No. of Claims	Damages Paid
<b>2021/22</b>	<b>1,095</b>	<b>114,192,272</b>
Fail / Delay Treatment	306	37,146,887
Failure/Delay Diagnosis	191	25,771,637
Inadequate Nursing Care	87	2,456,324
Inappropriate Treatment	55	4,070,711
Fail To Supervise	39	2,738,825
Fail To Act On Abnorm Test Res	34	3,620,589
Unexpected Death	29	4,297,425
Medication Errors	27	1,450,898
Failure To Perform Tests	26	1,770,718
Fail To Recog. Complication Of	26	4,105,294
Self Harm	24	2,566,471
Fail To Follow-Up Arrangements	23	913,585
Inappropriate Discharge	20	1,238,588
Fail/Delay Referring To Hosp.	19	1,513,019
Delay In Performing Operation	18	1,046,619
Failure To Interpret X-Ray	17	1,486,963
Intra-Op Problems	16	2,332,380
Fail To Warn-Informed Consent	13	1,195,967
Fail/Delay Admitting To Hosp.	13	5,883,410
Operator Error	11	565,974
Err With Agnt/Dose/Route/Selec	8	359,750
Lack Of Assistance/Care	7	222,763
Fail To Monitor 1st Stg Labour	7	503,168
Fail Antenatal Screening	6	231,419
Failure To X-Ray	6	307,700
Other	6	317,833
Wrong Diagnosis	5	487,916
Fail To Monitor 2nd Stg Labour	5	408,156
Bacterial Infection	5	620,000
Equipment Malfunction	5	316,000
Fail To Infrm Test Rslts	#	#
Birth Defects	#	#
Not Specified	#	#
Fail To Carry Out PO Observs.	#	#
Fail To Interpret USS	#	#
Fail To Make Resp To Abnrm FHR	#	#
MisplacedNaso/OrogastricTubeNotDet	#	#
Failure To Perform Operation	#	#
Infusion Problems	#	#
Improp. Delegation To Junior	#	#
Inadequate Monitoring Intra-Op	#	#
Injured By Another Patient	#	#
Lack Of Pre-Op Evaluation	#	#
Application Of Excess Force	#	#
Inadqte Monitor In Recov Room	#	#
Perform. Of Op. Not Indicated	#	#
Intubation Problems	#	#
Problem Blood Fluids	#	#
Forceps Delivery	#	#
InPatientSuicide- NonCollapsible Rails	#	#
EscapeSecurePrm byMHPTsTransfPrisoners	#	#
Cross Infection	#	#
Foreign Body Left In Situ	#	#
<b>Grand Total</b>	<b>1,095</b>	<b>114,192,272</b>

**Table 3: Top 10 NHS Trusts with the Most Clinical Negligence Claims with Damages Paid, Closed in Financial Year 2021/22 where any Injury was 'Fatality'**

FOI View	Closed Settled
Claim_Outcome	Successful
Clinical	Clinical
Trust_YN	Y

Year of Closure (Settlement Year for PPOs) ----- Member Name	No. of Claims	Damages Paid
<b>2021/22</b>	<b>269</b>	<b>32,959,854</b>
Barts Health NHS Trust	29	6,729,339
Manchester University NHS Foundation Trust	29	2,673,366
United Lincolnshire Hospitals NHS Trust	29	4,099,224
King's College Hospital NHS Foundation Trust	25	1,920,112
University Hospitals of Leicester NHS Trust	21	1,398,044
University Hospitals Birmingham NHS Foundation Trust	20	3,226,582
Blackpool Teaching Hospitals NHS Foundation Trust	19	3,671,547
Mid and South Essex NHS Foundation Trust	19	2,482,250
Northern Care Alliance NHS Foundation Trust	18	1,084,525
Barking, Havering and Redbridge University Hospitals NHS Trust	15	831,901
Royal Free London NHS Foundation Trust	15	1,690,750
East Suffolk and North Essex NHS Foundation Trust	15	1,517,105
Mid Yorkshire Hospitals NHS Trust (The)	15	1,635,109
<b>Grand Total</b>	<b>269</b>	<b>32,959,854</b>