



Resolution

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February 2024
FOI_6370

The following information was requested on 19 January 2024:

Can you please provide the following information under the Freedom of Information Act:

1. *The number and cost of successful clinical claims settled by NHS Resolution under the Clinical Negligence Scheme for Trusts (CNST), broken down by the primary cause of the injury/incident.*

Can you please break down the cost of these claims by damages, claimant legal costs and NHS legal costs.

Can you please provide data for the following years (and break down your response by each year):

- 2018/19
- 2019/20
- 2020/21
- 2021/22
- 2022/23

Our Response

Please find attached the requested information. Please note we only hold information for England.

Please note: 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>.

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 and close. They are not guaranteed to be settled and closed in the same year. As such, there will be a time gap between incident and claim closure.

Due to the way in which data is extracted, it is also possible that the same claim may appear more than once in a dataset, across different year groups e.g. where the case has been closed (as unsuccessful), challenged, reopened and closed again at conclusion.

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 and Cost of **CNST** Claims Closed (or settled with a periodical payment order) between financial years 2018/19 and 2022/23 with a damages payment. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement. Broken down by Primary Cause.

PPOs

The information disclosed includes damages and costs paid up to the end of the settlement year (in Periodical payment order (PPO) cases) and up to the end of the closure year in non-PPO cases.

PPOs are an agreement between the parties, to pay an initial lump sum and regular future payments (PPO damages) related to the injured party's ongoing needs, usually care for life i.e., a percentage of the full value of the claim is paid at the point of settlement (lump sum damages) with the balance paid at regular intervals over subsequent years. The information disclosed includes lump sum damages, costs and any PPO damages paid up to the end of the year of settlement. It does not include PPO damages, which have been committed to but due to be paid after the settlement year.

Low figures

We have suppressed low numbers 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 FOI 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.

Please refer to [Understanding NHS Resolution data](#) guidance for further details on how our Claims database is categorised.

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 and Cost of CNST Claims Closed (or settled with a periodical payment order) between financial years 2018/19 and 2022/23 with a damages payment. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement. Breakdown by year of closure/PPO Settlement Year and Primary Cause.

Table 1: Number and Cost of CNST Claims Closed (or settled with a periodical payment order) between financial years 2018/19 and 2022/23 with a damages payment. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement. Breakdown by year of closure/PPO Settlement Year and Primary Cause.

FOI View scheme	Closed Settled CNST
Claim_Outcome	Successful

Year of Closure (Settlement Year for PPOs) -- Primary Cause	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs
2018/19	6,833	1,240,269,752	101,845,754	390,828,306
Fail / Delay Treatment	1,451	190,873,738	21,421,509	83,154,472
Failure/Delay Diagnosis	1,084	168,731,847	16,483,742	70,351,698
Inadequate Nursing Care	504	32,856,333	3,521,516	15,977,414
Inappropriate Treatment	446	32,543,741	5,488,763	23,256,722
Intra-Op Problems	326	53,587,261	5,994,764	22,371,939
Operator Error	277	19,155,002	2,681,466	11,982,488
Fail To Warn-Informed Consent	211	21,386,129	3,240,227	11,173,931
Failure To Interpret X-Ray	206	20,786,334	2,125,915	8,051,431
Fail To Recog. Complication Of	196	81,069,596	5,358,359	17,540,080
Medication Errors	165	4,295,235	907,646	3,754,148
Fail To Act On Abnorm Test Res	125	23,077,685	1,702,438	7,255,637
Foreign Body Left In Situ	109	1,455,900	322,330	2,065,349
Failure To Perform Tests	107	20,064,267	1,758,386	7,275,469
Delay In Performing Operation	107	35,483,530	2,661,850	9,107,996
Fail To Follow-Up Arrangements	99	9,821,818	849,219	3,499,893
Fail To Supervise	99	3,897,394	761,361	3,235,597
Lack Of Assistance/Care	88	6,406,817	978,761	3,665,200
Wrong Diagnosis	80	9,776,473	1,006,162	3,931,128
Failure To X-Ray	74	8,495,450	537,871	3,548,378
Fail To Monitor 2nd Stg Labour	64	113,133,893	4,980,353	12,149,402
Inappropriate Discharge	62	8,069,962	946,763	3,031,279
Err With Agnt/Dose/Route/Selec	57	8,822,985	738,145	2,893,409
Wrong Site Surgery	48	1,137,765	119,251	959,878
Fail/Delay Referring To Hosp.	46	13,267,455	775,060	3,362,356
Fail To Make Resp To Abnrm FHR	42	145,441,817	3,954,804	8,861,928
Failure To Perform Operation	42	3,828,359	431,881	1,683,467
Fail/Delay Admitting To Hosp.	41	3,714,219	653,893	2,358,829
Perform. Of Op. Not Indicated	39	3,558,455	558,880	2,035,365
Diathermy Burns/react. To Prep	39	1,058,634	165,843	860,135
Equipment Malfunction	38	8,762,763	617,106	2,304,679
Fail Antenatal Screening	33	23,919,331	679,468	3,808,450
Other	30	854,383	118,191	680,637
Application Of Excess Force	29	17,606,411	1,074,490	2,839,069
Unexpected Death	28	1,694,651	334,379	1,570,296
Perineal Tear-1st,2nd,3rd Deg	24	6,884,847	636,850	2,750,225
Fail To Carry Out PO Observs.	24	2,820,929	402,998	1,694,106
Fail To Monitor 1st Stg Labour	23	44,497,208	1,292,643	3,361,794
Retained Instrument Post-Operation	23	278,387	22,019	271,800
Lack Of Pre-Op Evaluation	22	1,243,243	116,485	858,008
Infusion Problems	22	884,600	86,733	518,700
Self Harm	22	4,655,026	332,543	1,369,742
Fail To Infrm Test Rslts	22	2,688,933	328,010	1,638,889

Table 1: Number and Cost of CNST Claims Closed (or settled with a periodical payment order) between financial years 2018/19 and 2022/23 with a damages payment. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement. Breakdown by year of closure/PPO Settlement Year and Primary Cause.

FOI View scheme	Closed Settled CNST
Claim_Outcome	Successful

Year of Closure (Settlement Year for PPOs) -- Primary Cause	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs
Inadequate Monitoring Intra-Op	22	4,289,530	305,978	1,256,448
Assault, Etc By Hospital Staff	19	383,077	152,119	518,063
Fail To Interpret USS	17	3,874,224	235,229	1,212,517
Bacterial Infection	15	4,358,809	259,671	842,197
Sexual Abuse	14	397,806	69,777	281,750
Intubation Problems	13	514,849	109,906	370,860
Failed Sterilisation	13	255,774	99,848	393,724
Incorrect Injection Site	12	673,976	168,043	657,023
Failed Infection Control Policy/Hospital Hygiene	11	3,116,242	301,029	1,157,069
Cross Infection	10	440,080	122,299	614,252
Lack Of Facilities/Equipment	10	247,137	39,437	279,576
Birth Defects	8	14,577,698	532,941	1,901,818
Tooth Inj & Patient Posit Prob	7	125,740	26,763	132,797
Inapp Use Of Forceps/Ventouse	7	5,351,952	223,195	639,500
Fail To Diag Pre-Eclampsia	7	5,192,149	206,872	729,717
Inapprop. Case Selection	7	4,974,222	231,917	1,172,805
Forceps Delivery	7	2,602,739	231,398	798,809
Improp. Delegation To Junior	6	249,527	42,722	281,400
Poor Application Of Plstr Cast	6	100,000	11,997	106,125
Injured By Another Patient	6	51,871	5,357	29,581
Re-Canalisation	6	143,500	36,873	170,926
Labial Tear	5	841,600	131,838	721,342
Fail/Delay Resus By Paediatric	#	#	#	#
MisplacedNaso/OrogastricTubeNotDet	#	#	#	#
Fail/Delay Avail Op Thtre	#	#	#	#
Probs With Medical Records	#	#	#	#
Fail Mon Dose/rate Syntocinon	#	#	#	#
Removal & Retention Of Organs	#	#	#	#
Inadqte Monitor In Recov Room	#	#	#	#
Premature Ceasure Of Treatment	#	#	#	#
Problem Blood Fluids	#	#	#	#
Repeat Attempt Forcep/Ventouse	#	#	#	#
Fail/Delay Avail Of SCBU Beds	#	#	#	#
InhospMaternalDeathPostPartumHaemorrCS	#	#	#	#
Not Specified	#	#	#	#
Inc In Comm By Absc/disch Pat	#	#	#	#
Unlawful Detention - Mntl Hlth	#	#	#	#
2019/20	7,584	1,179,167,645	107,089,050	402,638,164
Fail / Delay Treatment	1,649	207,965,769	22,496,171	87,477,309
Failure/Delay Diagnosis	1,327	182,275,895	20,340,676	76,275,016
Inadequate Nursing Care	518	15,694,238	3,055,821	13,382,070
Inappropriate Treatment	499	57,557,107	7,181,504	25,974,279
Intra-Op Problems	338	33,048,945	5,667,696	20,724,377

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FOI View scheme	Closed Settled CNST
Claim_Outcome	Successful

Year of Closure (Settlement Year for PPOs) -- Primary Cause	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs
Fail To Warn-Informed Consent	286	41,151,822	4,638,838	17,398,642
Operator Error	270	29,907,000	2,854,183	11,972,534
Failure To Interpret X-Ray	239	27,564,954	2,152,762	10,446,831
Fail To Recog. Complication Of Medication Errors	199	72,867,452	4,613,219	15,481,904
Failure To Perform Tests	169	10,454,698	1,445,744	6,549,138
Fail To Act On Abnorm Test Res	135	24,453,556	1,962,274	6,833,500
Fail To Supervise	124	40,681,977	2,158,243	8,053,728
Fail To Supervise	115	18,235,200	1,267,503	5,783,430
Foreign Body Left In Situ	113	2,125,656	367,055	2,125,123
Fail To Follow-Up Arrangements	113	5,631,303	995,939	3,587,245
Lack Of Assistance/Care	99	3,179,692	597,798	2,498,794
Delay In Performing Operation	98	28,140,826	2,057,612	7,212,905
Wrong Diagnosis	91	4,889,815	603,357	2,648,718
Failure To X-Ray	70	5,806,173	664,757	2,317,494
Err With Agnt/Dose/Route/Selec	62	3,865,546	339,542	1,764,680
Failure To Perform Operation	58	2,939,326	718,418	3,832,547
Inappropriate Discharge	56	4,771,937	726,351	2,696,630
Fail To Monitor 2nd Stg Labour	52	80,056,874	3,316,180	8,940,260
Wrong Site Surgery	52	629,204	72,004	595,244
Fail/Delay Admitting To Hosp.	51	7,273,457	784,280	2,990,897
Equipment Malfunction	47	2,247,121	226,756	1,113,797
Perform. Of Op. Not Indicated	43	6,795,080	731,538	2,174,928
Fail/Delay Referring To Hosp.	41	6,855,056	466,996	1,987,280
Fail To Make Resp To Abnorm FHR	39	76,336,149	2,451,403	7,556,796
Inadequate Monitoring Intra-Op	36	5,984,299	626,750	2,000,148
Unexpected Death	35	5,220,138	687,099	2,468,452
Other	32	3,952,250	435,116	1,193,070
Fail Antenatal Screening	27	10,235,607	633,361	2,661,880
Lack Of Pre-Op Evaluation	27	2,988,998	471,889	1,385,178
Fail To Carry Out PO Observs.	27	10,690,056	614,346	2,641,082
Application Of Excess Force	27	12,780,342	944,735	2,604,056
Bacterial Infection	27	2,424,477	345,022	1,229,100
Fail To Monitor 1st Stg Labour	26	20,337,662	897,857	2,257,546
Fail To Infrm Test Rslts	26	7,801,975	436,971	1,391,938
Diathermy Burns/react. To Prep	26	611,017	114,394	539,284
Self Harm	26	3,275,630	435,170	2,475,430
Perineal Tear-1st,2nd,3rd Deg	21	4,620,507	471,934	1,713,300
Infusion Problems	19	2,196,843	313,293	1,140,969
Assault, Etc By Hospital Staff	18	576,748	87,953	440,262
Sexual Abuse	17	505,125	87,902	342,999
Retained Instrument Post-Operation	16	215,237	27,154	192,127
Failed Sterilisation	15	424,979	136,793	560,194
Fail To Interpret USS	15	433,129	58,938	412,370

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FOI View scheme	Closed Settled CNST
Claim_Outcome	Successful

Year of Closure (Settlement Year for PPOs) -- Primary Cause	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs
Inapp Use Of Forceps/Ventouse	11	4,645,008	402,933	1,580,898
Birth Defects	11	18,645,664	628,351	1,879,133
MisplacedNaso/OrogastricTubeNotDet	10	230,799	40,403	264,250
Incorrect Injection Site	10	879,460	77,596	471,838
Fail To Diag Pre-Eclampsia	9	11,748,958	543,563	1,540,963
Inadqte Monitor In Recov Room	9	1,574,767	155,942	764,743
Lack Of Facilities/Equipment	8	223,251	56,146	180,750
Cross Infection	8	133,947	34,153	190,600
Forceps Delivery	8	7,532,059	455,568	1,280,250
Tooth Inj & Patient Posit Prob	7	51,425	6,238	80,475
Failed Infection Control Policy/Hospital Hygiene	7	1,654,533	171,523	706,217
Fail To Correctly Apply Forcep	7	715,700	89,293	385,825
Poor Application Of Plstr Cast	7	66,100	25,623	155,123
Intubation Problems	6	3,031,500	136,735	205,315
Injured By Another Patient	6	104,009	49,261	97,288
Fail/Delay Resus By Paediatric	6	10,993,415	365,439	1,089,486
Premature Ceasure Of Treatment	6	605,594	203,130	657,667
Inapprop. Case Selection	5	444,115	107,521	422,562
Probs With Medical Records	#	#	#	#
Fail Mon Dose/rate Syntocinon	#	#	#	#
Wrong Route Admin of Chemotherapy	#	#	#	#
Not Specified	#	#	#	#
Injury To Others By Patient	#	#	#	#
Fail/Delay Avail Op Thtre	#	#	#	#
InhospMaternalDeathPostPartumHaemorrCS	#	#	#	#
Problem Blood Fluids	#	#	#	#
Improp. Delegation To Junior	#	#	#	#
Removal & Retention Of Organs	#	#	#	#
Fail/Delay Of Avail Emgy Anaes	#	#	#	#
Inc In Comm By Absc/disch Pat	#	#	#	#
InPatientSuicide- NonCollapsible Rails	#	#	#	#
Fail/Delay Obtain Cord PH	#	#	#	#
Re-Canalisation	#	#	#	#
2020/21	6,557	1,169,505,099	102,440,751	370,341,951
Fail / Delay Treatment	1,490	226,910,922	23,541,837	88,729,583
Failure/Delay Diagnosis	1,112	148,251,180	17,573,044	61,303,558
Inadequate Nursing Care	444	23,989,437	3,121,907	13,239,802
Inappropriate Treatment	418	57,912,643	6,076,373	19,934,113
Intra-Op Problems	307	61,883,343	6,996,696	25,170,244
Fail To Warn-Informed Consent	236	27,053,535	3,919,657	13,789,205
Operator Error	216	15,669,226	2,250,547	9,467,481
Failure To Interpret X-Ray	168	13,148,324	1,450,744	5,716,057
Medication Errors	157	9,033,589	1,163,410	5,557,614

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FOI View scheme	Closed Settled CNST
Claim_Outcome	Successful

Year of Closure (Settlement Year for PPOs) -- Primary Cause	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs
Fail To Recog. Complication Of	156	51,662,412	3,606,261	10,477,990
Fail To Follow-Up Arrangements	127	6,960,047	891,675	4,586,358
Failure To Perform Tests	112	35,049,532	1,997,076	6,775,976
Fail To Supervise	109	5,019,597	721,625	3,571,111
Delay In Performing Operation	107	38,864,671	2,318,448	8,217,188
Fail To Act On Abnorm Test Res	102	37,369,684	1,817,107	6,768,744
Foreign Body Left In Situ	96	3,047,166	564,486	2,464,581
Lack Of Assistance/Care	79	11,674,027	1,056,953	3,511,691
Wrong Diagnosis	79	7,573,209	929,748	3,453,681
Failure To X-Ray	63	3,526,995	520,519	2,157,062
Equipment Malfunction	56	5,996,403	424,067	2,020,957
Err With Agnt/Dose/Route/Selec	56	2,807,268	363,319	1,968,669
Fail/Delay Admitting To Hosp.	52	12,669,268	941,072	3,494,275
Inappropriate Discharge	50	5,033,391	651,902	2,387,476
Failure To Perform Operation	45	4,313,549	572,111	2,784,352
Fail Antenatal Screening	41	50,544,821	1,759,055	7,543,832
Fail/Delay Referring To Hosp.	40	11,548,548	805,358	3,686,987
Wrong Site Surgery	40	1,267,612	255,025	859,562
Unexpected Death	34	4,297,138	573,952	1,972,183
Fail To Make Resp To Abnrm FHR	34	86,270,397	3,446,513	9,003,319
Perform. Of Op. Not Indicated	32	2,434,247	547,882	1,868,501
Fail To Monitor 2nd Stg Labour	29	54,841,477	2,360,722	5,690,380
Inadequate Monitoring Intra-Op	29	2,522,409	553,603	1,631,847
Infusion Problems	29	1,567,000	202,198	907,860
Other	27	1,785,802	222,292	833,857
Self Harm	26	6,462,639	647,669	2,500,200
Fail To Monitor 1st Stg Labour	24	41,206,668	1,660,445	4,625,063
Fail To Infrm Test Rslts	23	1,169,294	180,342	683,508
Perineal Tear-1st,2nd,3rd Deg	22	2,617,188	276,040	1,237,113
Diathermy Burns/react. To Prep	22	1,138,473	190,702	803,247
Fail To Interpret USS	21	12,432,325	703,390	3,075,325
Bacterial Infection	20	1,186,867	390,597	1,085,980
Fail To Carry Out PO Observs.	18	11,281,168	405,531	1,593,170
Application Of Excess Force	17	4,133,751	476,304	1,197,027
Lack Of Pre-Op Evaluation	17	1,041,027	149,467	576,950
Failed Sterilisation	14	334,137	40,914	311,742
Retained Instrument Post-Operation	12	289,665	68,822	316,577
Forceps Delivery	12	7,589,320	445,795	2,098,077
Cross Infection	10	1,226,065	158,170	543,160
Sexual Abuse	10	209,663	31,978	142,500
Failed Infection Control Policy/Hospital Hygiene	9	47,676	#	92,457
Birth Defects	8	18,468,216	606,028	1,282,974
Lack Of Facilities/Equipment	7	206,737	21,760	117,200

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FOI View scheme	Closed Settled CNST
Claim_Outcome	Successful

Year of Closure (Settlement Year for PPOs) -- Primary Cause	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs
Not Specified	7	283,735	60,177	310,302
Incorrect Injection Site	6	109,456	33,801	234,450
Intubation Problems	6	122,353	60,180	241,821
Inapp Use Of Forceps/Ventouse	6	572,637	88,178	270,750
Assault, Etc By Hospital Staff	6	113,562	41,784	143,270
Poor Application Of Plstr Cast	6	47,250	16,253	135,496
Fail To Diag Pre-Eclampsia	5	4,412,168	299,372	572,700
Improp. Delegation To Junior	5	442,303	51,063	319,000
Premature Ceasure Of Treatment	5	649,922	157,147	628,090
Fail/Delay Resus By Paediatric	#	#	#	#
Fail To Correctly Apply Forcep	#	#	#	#
Injury To Others By Patient	#	#	#	#
Inadqte Monitor In Recov Room	#	#	#	#
MisplacedNaso/OrogastricTubeNotDet	#	#	#	#
Re-Canalisation	#	#	#	#
Removal & Retention Of Organs	#	#	#	#
Probs With Medical Records	#	#	#	#
Labial Tear	#	#	#	#
Fail/Delay Avail Op Thtre	#	#	#	#
Fail Mon Dose/rate Syntocinon	#	#	#	#
EscapeSecurePrm byMHPtsTransfPrisoners	#	#	#	#
Fail/Delay Of Avail Emgy Anaes	#	#	#	#
Inapprop. Case Selection	#	#	#	#
InhospMaternalDeathPostPartumHaemorrCS	#	#	#	#
Inc In Comm By Absc/disch Pat	#	#	#	#
Injured By Another Patient	#	#	#	#
(blank)	#	#	#	#
Fail/Delay Avail Of SCBU Beds	#	#	#	#
Tooth Inj & Patient Posit Prob	#	#	#	#
2021/22	7,339	1,441,425,911	122,279,610	464,167,488
Fail / Delay Treatment	1,675	280,597,661	26,808,082	103,773,529
Failure/Delay Diagnosis	1,305	218,153,340	23,820,081	88,160,265
Inappropriate Treatment	502	84,369,013	9,269,640	32,637,240
Inadequate Nursing Care	455	19,160,561	3,336,386	14,435,364
Intra-Op Problems	367	64,286,427	7,005,355	28,458,324
Fail To Warn-Informed Consent	247	53,756,940	5,067,287	18,236,109
Operator Error	221	27,876,229	2,887,220	11,884,431
Failure To Interpret X-Ray	204	20,127,262	2,498,500	9,917,024
Fail To Recog. Complication Of	190	45,722,803	4,076,876	15,703,856
Fail To Follow-Up Arrangements	154	14,965,960	1,483,746	6,452,211
Medication Errors	144	10,304,965	1,468,751	5,750,299
Failure To Perform Tests	141	25,070,856	2,272,713	8,315,955
Fail To Supervise	132	13,707,088	1,402,172	4,812,685

Table 1: Number and Cost of CNST Claims Closed (or settled with a periodical payment order) between financial years 2018/19 and 2022/23 with a damages payment. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement. Breakdown by year of closure/PPO Settlement Year and Primary Cause.

FOI View scheme	Closed Settled CNST
Claim_Outcome	Successful

Year of Closure (Settlement Year for PPOs) -- Primary Cause	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs
Delay In Performing Operation	126	15,482,377	1,619,944	6,585,215
Fail To Act On Abnorm Test Res	122	55,891,999	2,774,368	9,568,618
Foreign Body Left In Situ	87	1,731,377	252,284	1,855,959
Wrong Diagnosis	81	10,621,994	1,195,188	4,995,541
Failure To X-Ray	78	5,114,783	775,991	3,230,634
Lack Of Assistance/Care	64	2,204,180	443,561	1,834,941
Fail/Delay Referring To Hosp.	57	6,098,355	938,724	3,450,138
Failure To Perform Operation	55	4,668,294	730,011	3,096,552
Inappropriate Discharge	52	2,745,076	653,036	2,353,603
Err With Agnt/Dose/Route/Selec	49	12,144,196	846,760	3,162,019
Fail Antenatal Screening	45	68,869,295	1,927,544	7,751,419
Fail To Monitor 2nd Stg Labour	43	84,820,546	2,869,977	8,974,740
Fail/Delay Admitting To Hosp.	42	18,967,125	1,126,733	3,263,508
Equipment Malfunction	37	3,208,828	303,922	1,502,038
Bacterial Infection	37	19,221,101	968,558	3,198,267
Unexpected Death	36	4,611,925	520,041	2,571,687
Other	33	3,360,595	362,762	1,824,386
Fail To Make Resp To Abnrm FHR	30	78,413,999	2,479,093	9,007,583
Self Harm	30	6,160,587	731,640	2,675,457
Wrong Site Surgery	30	1,657,976	124,670	744,764
Fail To Interpret USS	29	22,662,453	873,862	4,151,889
Fail To Carry Out PO Observs.	25	5,800,784	737,974	2,491,975
Infusion Problems	25	1,391,361	180,180	768,466
Fail To Infrm Test Rslts	24	15,613,790	535,602	2,152,908
Lack Of Pre-Op Evaluation	24	2,899,720	266,773	1,228,300
Inadequate Monitoring Intra-Op	23	3,387,382	313,362	1,137,037
Fail To Monitor 1st Stg Labour	23	27,046,511	1,237,209	3,828,180
Retained Instrument Post-Operation	22	868,757	109,762	716,760
Perform. Of Op. Not Indicated	21	4,084,972	250,576	1,179,236
Application Of Excess Force	19	5,985,603	705,854	2,334,909
Diathermy Burns/react. To Prep	17	360,441	55,867	368,476
Birth Defects	17	28,442,145	722,942	2,472,886
Perineal Tear-1st,2nd,3rd Deg	16	2,848,723	385,639	1,363,389
Fail To Diag Pre-Eclampsia	13	601,665	125,219	605,844
Cross Infection	12	154,239	39,525	192,156
Incorrect Injection Site	12	2,674,558	170,086	536,250
Not Specified	11	1,215,844	202,680	747,825
Inapprop. Case Selection	10	2,087,468	224,650	827,750
Sexual Abuse	10	314,000	39,360	212,930
Forceps Delivery	9	2,526,449	235,479	655,497
Failed Infection Control Policy/Hospital Hygiene	9	67,657	46,647	130,940
Injured By Another Patient	8	126,013	79,093	244,000
Failed Sterilisation	8	1,795,165	209,335	687,494

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FOI View scheme	Closed Settled CNST
Claim_Outcome	Successful

Year of Closure (Settlement Year for PPOs) -- Primary Cause	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs
Lack Of Facilities/Equipment	6	137,078	18,610	127,700
Fail Mon Dose/rate Syntocinon	6	13,661,804	444,585	1,146,196
Intubation Problems	6	303,500	74,160	350,876
Assault, Etc By Hospital Staff	5	103,842	12,062	107,140
Poor Application Of Plstr Cast	5	363,115	29,514	243,650
MisplacedNaso/OrogastricTubeNotDet	5	544,018	83,720	297,000
Inapp Use Of Forceps/Ventouse	5	7,042,756	302,910	929,582
Fail To Correctly Apply Forcep	#	#	#	#
Tooth Inj & Patient Posit Prob	#	#	#	#
Labial Tear	#	#	#	#
Inadqte Monitor In Recov Room	#	#	#	#
Premature Ceasure Of Treatment	#	#	#	#
Injury To Others By Patient	#	#	#	#
Unlawful Detention - Mntl Hlth	#	#	#	#
Probs With Medical Records	#	#	#	#
Re-Canalisation	#	#	#	#
Inc In Comm By Absc/disch Pat	#	#	#	#
Wrong Route Admin of Chemotherapy	#	#	#	#
Improp. Delegation To Junior	#	#	#	#
InPatientSuicide- NonCollapsible Rails	#	#	#	#
EscapeSecurePrm byMHPtsTransfPrisoners	#	#	#	#
Problem Blood Fluids	#	#	#	#
Removal & Retention Of Organs	#	#	#	#
(blank)	#	#	#	#
Repeat Attempt Forcep/Ventouse	#	#	#	#
Clinical Trial	#	#	#	#
2022/23	6,775	1,455,005,947	115,797,320	439,093,918
Fail / Delay Treatment	1,533	300,111,527	26,863,014	100,331,058
Failure/Delay Diagnosis	1,270	263,825,548	23,687,728	91,408,973
Inadequate Nursing Care	408	20,801,105	2,634,057	14,453,833
Inappropriate Treatment	401	52,714,540	6,559,735	23,234,039
Fail To Warn-Informed Consent	310	49,089,484	5,087,042	20,144,453
Intra-Op Problems	268	31,708,549	5,456,113	15,164,589
Failure To Interpret X-Ray	199	16,797,179	1,830,993	9,208,242
Operator Error	189	18,756,386	2,149,381	8,997,597
Fail To Recog. Complication Of	174	78,567,372	4,870,866	16,980,894
Medication Errors	153	13,409,040	1,208,510	5,420,930
Failure To Perform Tests	140	30,238,803	2,641,050	11,816,217
Fail To Follow-Up Arrangements	138	14,388,821	1,428,789	6,310,548
Delay In Performing Operation	129	25,298,900	1,997,057	8,134,122
Fail To Act On Abnorm Test Res	107	19,684,568	1,865,552	7,487,445
Fail To Supervise	97	15,383,893	925,216	4,187,448
Foreign Body Left In Situ	79	2,574,522	369,312	2,030,347

Table 1: Number and Cost of CNST Claims Closed (or settled with a periodical payment order) between financial years 2018/19 and 2022/23 with a damages payment. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement. Breakdown by year of closure/PPO Settlement Year and Primary Cause.

FOI View scheme	Closed Settled CNST
Claim_Outcome	Successful

Year of Closure (Settlement Year for PPOs) -- Primary Cause	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs
Wrong Diagnosis	77	13,087,068	975,466	4,326,596
Inappropriate Discharge	77	11,779,963	1,071,166	4,288,874
Lack Of Assistance/Care	75	6,309,276	616,126	2,684,634
Failure To X-Ray	60	3,340,598	639,490	2,559,891
Failure To Perform Operation	47	6,499,706	750,206	2,944,194
Fail/Delay Referring To Hosp.	45	4,638,608	802,875	2,890,083
Fail To Monitor 2nd Stg Labour	44	89,630,069	2,927,615	8,197,549
Err With Agnt/Dose/Route/Selec	44	3,829,331	506,862	2,362,492
Fail To Make Resp To Abnrm FHR	39	89,597,604	3,797,758	10,308,260
Wrong Site Surgery	36	2,354,617	152,531	830,882
Fail Antenatal Screening	35	64,898,300	1,499,191	6,327,099
Self Harm	34	2,916,697	628,483	2,819,838
Equipment Malfunction	34	4,249,752	262,647	1,150,183
Fail/Delay Admitting To Hosp.	32	3,078,257	480,666	1,608,050
Fail To Infrm Test Rslts	31	7,261,296	298,389	943,227
Fail To Interpret USS	30	6,102,580	936,707	3,347,442
Perform. Of Op. Not Indicated	27	5,823,380	500,952	1,889,696
Unexpected Death	26	2,534,491	386,211	1,518,672
Fail To Monitor 1st Stg Labour	24	38,195,845	1,568,101	4,255,616
Other	24	752,715	140,640	871,575
Diathermy Burns/react. To Prep	23	609,284	227,157	939,528
Bacterial Infection	22	8,711,280	630,644	1,888,546
Inadequate Monitoring Intra-Op	19	2,958,408	329,114	1,217,300
Fail To Carry Out PO Observs.	18	2,331,555	356,303	1,281,775
Application Of Excess Force	17	5,512,427	444,846	2,015,112
Retained Instrument Post-Operation	16	311,775	46,318	403,898
Perineal Tear-1st,2nd,3rd Deg	16	7,122,818	520,846	2,650,788
Infusion Problems	15	190,730	53,154	376,100
Failed Infection Control Policy/Hospital Hygiene	14	538,241	263,905	355,700
Birth Defects	13	53,287,370	1,367,129	4,350,500
Lack Of Pre-Op Evaluation	13	4,169,956	213,279	953,721
Poor Application Of Plstr Cast	11	410,732	108,187	347,370
Fail To Correctly Apply Forcep	10	2,470,670	154,910	830,023
Forceps Delivery	10	1,768,184	223,329	1,016,710
Not Specified	9	337,500	42,395	310,016
Intubation Problems	9	12,734,499	449,748	1,466,231
Inapprop. Case Selection	8	849,402	148,602	406,750
Cross Infection	8	4,297,250	137,776	569,500
Inapp Use Of Forceps/Ventouse	7	563,705	99,344	402,495
Assault, Etc By Hospital Staff	7	231,500	52,173	249,127
Incorrect Injection Site	7	527,276	117,662	392,750
Lack Of Facilities/Equipment	7	127,000	50,050	138,277
Fail To Diag Pre-Eclampsia	6	627,299	87,334	451,500

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FOI View scheme	Closed Settled CNST
Claim_Outcome	Successful

Year of Closure (Settlement Year for PPOs) -- Primary Cause	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs
Sexual Abuse	6	260,500	48,648	187,280
MisplacedNaso/OrogastricTubeNotDet	6	213,125	25,580	130,000
Injured By Another Patient	5	65,616	75,357	180,992
Fail Mon Dose/rate Syntocinon	5	18,791,940	429,393	1,930,000
Labial Tear	#	#	#	#
Failed Sterilisation	#	#	#	#
Tooth Inj & Patient Posit Prob	#	#	#	#
Injury To Others By Patient	#	#	#	#
Fail/Delay Resus By Paediatric	#	#	#	#
Probs With Medical Records	#	#	#	#
Wrong Application Of Electrode	#	#	#	#
Inadqte Monitor In Recov Room	#	#	#	#
Repeat Attempt Forcep/Ventouse	#	#	#	#
Wrong Route Admin of Chemotherapy	#	#	#	#
Fail/Delay Of Avail Emgy Anaes	#	#	#	#
Problem Blood Fluids	#	#	#	#
Inc In Comm By Absc/disch Pat	#	#	#	#
Premature Ceasure Of Treatment	#	#	#	#
Re-Canalisation	#	#	#	#
EscapeSecurePrm byMHPtsTransfPrisoners	#	#	#	#
Improp. Delegation To Junior	#	#	#	#
Unknown	#	#	#	#
Grand Total	35,088	6,485,374,354	549,452,485	2,067,069,828