



Resolution

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February 2024
FOI_6399

The following information was requested on 2 February 2024:

In a previous FoI response [Ref: FoI_2999] you provided details on the number of claims and the payments made to people issuing claims under the category 'medication errors'. Could you please provide me with similar information, specifically:

- 1. I would like to know the number of successful claims paid out by NHS Resolution in the last financial year (2022/23) as well as the total amount of compensation paid to these claimants in each financial year?*
- 2. Could you also supply me with tables showing the aggregate totals for medication error claims for the last five financial years which give (a) the number of successful claims, (b) damages paid, (c) defence costs paid, (d) claimants cost paid and (e) total paid broken down by the speciality.*
- 3. Could you also supply me with tables showing the aggregate totals for medication error claims for the five financial years which give (a) the number of successful claims, (b) damages paid, (c) defence costs paid, (d) claimants cost paid and (e) total paid broken down by the main type of harm. Please provide this in a similar format to a previous FoI response [Ref: FoI_3607].*

Please note that for all these questions I require the data to be provided based on the year the claim was paid out rather than when the incident took place, the claim was lodged or liability was accepted.

Our Response

Please find attached the requested information. It is based along the same lines as our response to: [FOI 5810 Medication-Errors.pdf \(resolution.nhs.uk\)](#) which was your last similar request.

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.

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 nil damages payment), 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 Damages of Clinical Claims Closed (or settled with a periodical payment order) in financial years 2022/23 with a damages payment, where the Primary Cause is '**Medication Errors**'. The data includes the damages paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

Table 2 shows: - Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2018/19 and 2022/23 with a damages payment, where the Primary Cause is '**Medication Errors**'. 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 Specialty.

Table 3 shows: - Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2018/19 and 2022/23 with a damages payment, where the Primary Cause is '**Medication Errors**'. 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 Primary Injury.

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 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 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. 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.

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 Damages of Clinical Claims Closed (or settled with a periodical payment order) in financial years 2022/23 with a damages payment, where the Primary Cause is 'Medication Errors'. The data includes the damages paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

Table 2: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2018/19 and 2022/23 with a damages payment, where the Primary Cause is 'Medication Errors'. 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 Specialty.

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Table 1: Number and Damages of Clinical Claims Closed (or settled with a periodical payment order) in financial years 2022/23 with a damages payment, where the Primary Cause is 'Medication Errors'. The data includes the damages paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

FOI View	Closed Settled
Clinical	Clinical
Claim_Outcome	Successful

Year of Closure/Settlement Year for PPOs	No. of Claims	Damages Paid
2022/23	246	14,825,457
Grand Total	246	14,825,457

Table 2: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2018/19 and 2022/23 with a damages payment, where the Primary Cause is 'Medication Errors'. 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 Specialty.

FOI View	Closed Settled
Clinical	Clinical
Claim_Outcome	Successful

Primary Specialty	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
General Practice	170	2,108,998	521,940	2,417,099	5,048,038
General Medicine	108	2,536,827	615,839	3,151,566	6,304,231
Emergency Medicine	65	2,568,486	336,299	1,663,223	4,568,007
Anaesthesia	58	7,254,991	869,508	3,658,179	11,782,678
Orthopaedic Surgery	54	2,535,796	229,879	1,196,847	3,962,522
General Surgery	50	1,016,954	245,753	1,157,769	2,420,477
Cardiology	38	2,362,731	302,028	1,177,555	3,842,313
Psychiatry/ Mental Health	33	1,271,986	208,147	1,592,312	3,072,446
Obstetrics	30	3,474,283	343,493	1,237,635	5,055,411
Pharmacy	28	181,841	72,916	411,840	666,597
Geriatric Medicine	27	439,095	113,757	514,150	1,067,002
Paediatrics	25	226,954	107,610	536,975	871,540
HM Prison Medical/dental	21	134,514	73,632	136,584	344,730
Oncology	20	793,453	94,086	657,550	1,545,089
Gastroenterology	20	1,033,281	145,694	848,045	2,027,020
Respiratory Medicine/ Thoracic Medic	19	765,785	115,799	572,123	1,453,707
Urology	18	1,284,989	160,484	732,405	2,177,878
Haematology	14	957,743	133,050	563,250	1,654,043
Intensive Care Medicine	14	1,042,215	140,518	584,605	1,767,338
Neurology	13	3,787,943	207,880	747,107	4,742,930
Ophthalmology	13	2,092,327	223,806	700,213	3,016,346
Renal Medicine	12	411,035	90,249	339,266	840,550
Neurosurgery	11	4,437,258	405,450	1,136,187	5,978,895
Gynaecology	10	260,815	75,792	331,250	667,857
Comm Mental Servs	10	332,852	92,460	270,662	695,975
Endocrinology	8	104,082	50,473	122,633	277,188
Cardio Surgery	7	1,068,918	101,927	437,266	1,608,111
Vascular Surgery	7	997,239	42,538	243,399	1,283,176
Surgical Speciality - Other	7	402,850	93,702	227,930	724,482
Community Medicine/ Public Health	6	26,020	7,641	35,000	68,661
Rheumatology	6	2,887,830	293,091	821,170	4,002,090
Otorhinolaryngology/ ENT	6	220,500	47,583	214,702	482,785
Rehabilitation	#	#	#	#	#
Other	#	#	#	#	#
District Nursing	#	#	#	#	#
Genito-Urinary Medicine	#	#	#	#	#
Plastic Surgery	#	#	#	#	#
Dermatology	#	#	#	#	#
Not Specified	#	#	#	#	#
Ambulance	#	#	#	#	#
Radiology	#	#	#	#	#
Paediatric Surgery	#	#	#	#	#
Nuclear Medicine	#	#	#	#	#
Microbiology/ Virology	#	#	#	#	#
Palliative Medicine	#	#	#	#	#
Grand Total	959	49,538,636	6,720,641	29,305,086	85,564,363

Table 3: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2018/19 and 2022/23 with a damages payment, where the Primary Cause is 'Medication Errors'. 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 Primary Injury.

FOI View	Closed Settled
Clinical	Clinical
Claim_Outcome	Successful

Primary Injuries	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Unnecessary Pain	259	5,345,970	800,349	5,058,412	11,204,732
Psychiatric/Psychological Dmge	109	1,651,434	381,614	2,002,803	4,035,851
Fatality	101	4,900,426	786,395	3,174,061	8,860,883
Anaphylact Shock/Allergic Shock/allergy	53	1,889,363	224,551	1,024,225	3,138,139
Other	43	1,089,609	191,383	1,074,097	2,355,089
Thrombosis/Embolism	43	888,005	139,577	1,200,577	2,228,159
Cardiac Arrest	29	2,099,278	278,730	1,344,663	3,722,671
Stroke	28	3,626,678	361,652	1,270,507	5,258,836
Adtnl/unnecessary Operation(s)	27	771,957	84,206	645,540	1,501,703
Renal Damage/ Failure	26	986,453	193,546	946,088	2,126,087
Other Visual Problems	20	1,926,405	268,762	848,328	3,043,496
Respiratory Disorder/ Failure	20	388,864	65,203	433,837	887,903
Cardiovascular Condition	17	3,730,157	266,090	921,002	4,917,250
Brain Damage	12	5,206,025	528,575	1,117,263	6,851,863
Multiple Injuries	11	397,893	89,437	375,750	863,080
Not Specified	10	1,784,920	149,933	1,024,660	2,959,513
Bruising/ Extravasation	9	58,788	14,274	101,895	174,957
Tissue Damage	8	123,470	26,914	156,250	306,634
Addiction/Dependency	7	87,000	60,301	169,450	316,751
Epilepsy	7	284,333	74,019	212,249	570,600
Tardive Dyskinesia	6	147,241	32,109	75,000	254,350
Nerve Damage	6	148,860	66,828	144,290	359,978
Blindness	6	758,482	225,699	651,050	1,635,231
Liver Damage	6	177,000	29,466	138,570	345,037
Fracture	6	232,956	44,436	387,941	665,333
Anaesthetic	5	233,688	25,855	177,302	436,845
Bowel Damage/ Dysfunction	5	194,250	46,183	180,500	420,933
Other Infection	5	531,551	93,853	226,555	851,959
Multiple Disabilities	#	#	#	#	#
Rupture	#	#	#	#	#
Reduced Life Expectancy	#	#	#	#	#
Osteoporosis	#	#	#	#	#
Joint Damage	#	#	#	#	#
Paraplegia	#	#	#	#	#
Partial Hearing Loss	#	#	#	#	#
Scarring	#	#	#	#	#
Pressure Sores	#	#	#	#	#
Deafness	#	#	#	#	#
Burn(s)	#	#	#	#	#
Amputation - Lower	#	#	#	#	#
Cosmetic Disfigurement	#	#	#	#	#
Tendon Damage	#	#	#	#	#
Peritonitis	#	#	#	#	#
Viral Infection	#	#	#	#	#
Infectious Diseases	#	#	#	#	#
Lung Disease	#	#	#	#	#
Bladder Damage	#	#	#	#	#
Cancer	#	#	#	#	#
Infertility	#	#	#	#	#
Dislocation	#	#	#	#	#
Advanced Stage Cancer	#	#	#	#	#
Amputation - Upper	#	#	#	#	#
Cerebral Palsy	#	#	#	#	#
Liver Transplant	#	#	#	#	#
Meningitis	#	#	#	#	#
Hospital Acquired Infection	#	#	#	#	#

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FOI View	Closed Settled
Clinical	Clinical
Claim_Outcome	Successful

Primary Injuries	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Infection (bacterial)	#	#	#	#	#
Partial Paralysis	#	#	#	#	#
Foot Drop	#	#	#	#	#
Unwanted Pregnancy	#	#	#	#	#
Oedema	#	#	#	#	#
Incontinence	#	#	#	#	#
Spinal Damage	#	#	#	#	#
Foetal Anti-Convulsant Syndr.	#	#	#	#	#
Sepsis	#	#	#	#	#
Thyroid Condition	#	#	#	#	#
Dental Damage	#	#	#	#	#
Grand Total	959	49,538,636	6,720,641	29,305,086	85,564,363