

INFORMATION
ANALYSIS
DIRECTORATE



Clinical / Social Care Negligence Cases

in Northern Ireland (2021/22)

Reader Information

| | |
|---------------------|---|
| Background | This statistical release summarises information collected from Health & Social Care (HSC) Trusts, Agencies and Legacy Health and Social Services (HSS) Boards on clinical/social care negligence cases in Northern Ireland open during the year ending 31 st March 2022. Information includes all cases currently open and settled, including those withdrawn or closed with details of any monies paid. |
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| Publication Date | Thursday 15 th December 2022 |
| Reporting Period | 1 st April 2021 – 31 st March 2022 |
| Issued by | Hospital Information Branch Information & Analysis Directorate Department of Health Stormont Estate Belfast, BT4 3SQ |
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| Statistical Quality | Information detailed in this release has been quality assured with HSC Trusts prior to release. |
| Target audience | DoH, Chief Executives of HSC Board and Trusts in Northern Ireland, health care professionals, academics, Health & Social Care stakeholders, media and general public. |
| Further copies from | statistics@health-ni.gov.uk |
| Internet address | https://www.health-ni.gov.uk/articles/clinical-negligence-statistics |
| Price | Free |
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Key Points

Payments in 2021/22

- During 2021/22, £40.3 million was paid on clinical / social care negligence cases in Northern Ireland (Tables 1 & 2).
- Of the £40.3 million paid on clinical / social care negligence cases in 2021/22, over three quarters (76.2%, £30.7 million) was paid in damages, £5.9 million (14.7%) in plaintiff costs and £3.7 million (9.1%) in defence costs (Figure 1, Table 2).
- During the last five years, the amount paid on clinical / social care negligence cases increased by £4.6 million (12.9%), from £35.7 million in 2017/18 to £40.3 million in 2021/22 (Table 1).

Payments to date

523

New cases opened during 2021/22

£177.4m

Paid to date on the 3,987 cases open at any stage during 2021/22

402

Cases closed during 2021/22

- During 2021/22, 3,987 clinical / social care negligence cases were open at any stage, 253 (6.8%) more than in 2017/18 (3,734) (Table 3).

- In 2021/22, 523 new cases were opened, 402 cases were closed and 351 cases had been settled, whilst 3,234 cases remained open at 31st March 2022 (Figure 5, Tables 4 - 8).
- Clinical / social care negligence cases open at any stage in 2021/22, had been open on average for 3.2 years, longer than 2020/21 (2.9 years) (Figure 11).
- Almost half (45.5%, 1,813) of all cases open in 2021/22, related to four specialties; 'Obstetrics' (564), 'Accident & Emergency' (456), 'Neurology' (407) and 'General Surgery' (386) (Table 14).
- A total of £177.4 million has been paid to date on the 3,987 clinical / social care negligence cases which were open at any stage during 2021/22. Over three quarters (78.4%, £139.0 million) had been paid in damages and £38.4 million (21.6%) paid out in legal costs (defence and plaintiff costs) (Table 15).
- Over three fifths (61.6%, £109.2 million) of the amount paid out on cases open at any stage in 2021/22 related to the 'Obstetrics' specialty, of which 82.7% (£90.4 million) had been paid in damages (Figure 19, Table 16).

INTRODUCTION

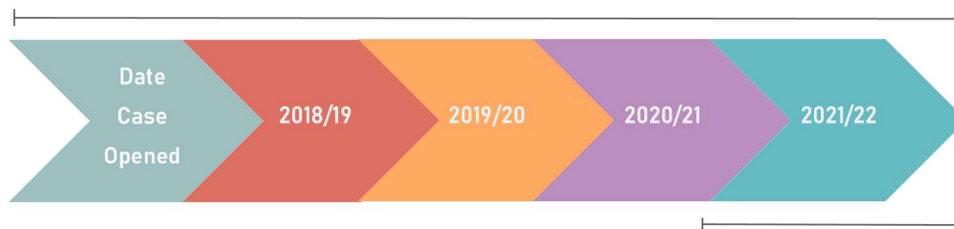
The information presented in this publication is sourced from two Departmental statistical returns:

- (i) **CN1a** - aggregate return that collects information on clinical/social care negligence cases including the **amount paid out each quarter**.
- (ii) **CN1** – annual patient level return on clinical/social care negligence cases open at any stage during the year, including the **amount paid (damages or legal costs) on each case since the case opened**.

Financial Payments Included in the CN1 and CN1a Information Returns

CN1

Refers to amount paid in total every year since a case opened until it closed



CN1a

Refers only to amount paid during a financial year (1st April – 31st March)

What is Clinical/Social Care Negligence?

In this statistical report, clinical/social care negligence is defined as:

“A breach of duty of care by members of the health and social care professions employed by HSC organisations or by others consequent on decisions or judgments made by members of those professions acting in the course of their employment, and which are admitted as negligent by the employer or determined as such through the legal process”.

SECTION 1

PAYMENTS MADE IN 2021/22

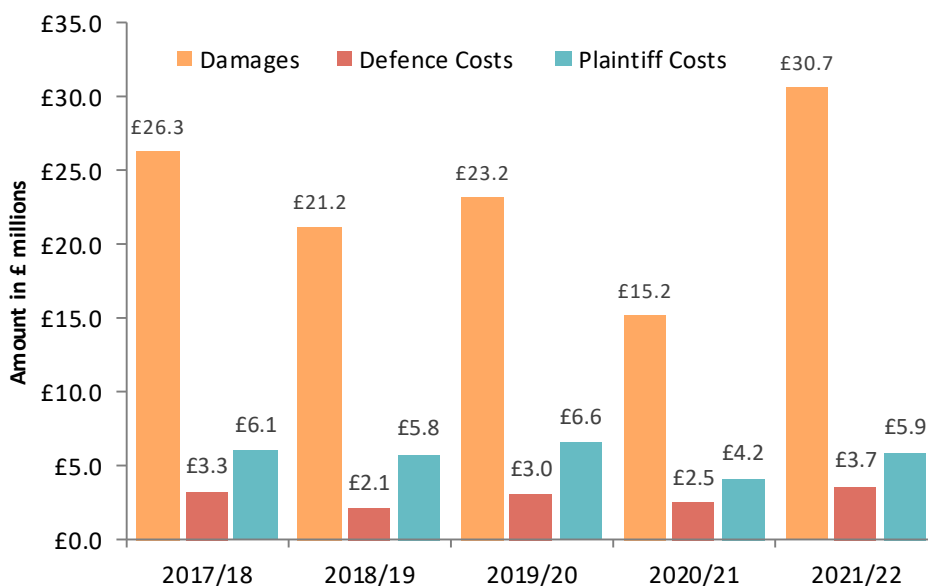
This section details the amount of money paid out during each year, by HSC Trust / Legacy HSS Boards and payment type.

During 2021/22, £40.3 million was paid on clinical / social care negligence cases in Northern Ireland, with over three quarters (76.2%, £30.7 million) paid in damages, £5.9 million (14.7%) in plaintiff costs and £3.7 million (9.1%) in defence costs (Table 2).

During the last five years, the amount paid on clinical / social care negligence cases increased by £4.6 million (12.9%), from £35.7 million in 2017/18 to £40.3 million in 2021/22 (Table 1).

The amount paid in damages in 2021/22 increased by £4.4 million (16.5%) when compared with 2017/18, defence costs increased by £0.4 million (12.5%) whilst plaintiff costs decreased by £0.1 million (2.4%) (Figure 1).

Figure 1: Amount paid out during last five years, by type of payment



Source: CN1a

£40.3 m
Paid on cases in
2021/22

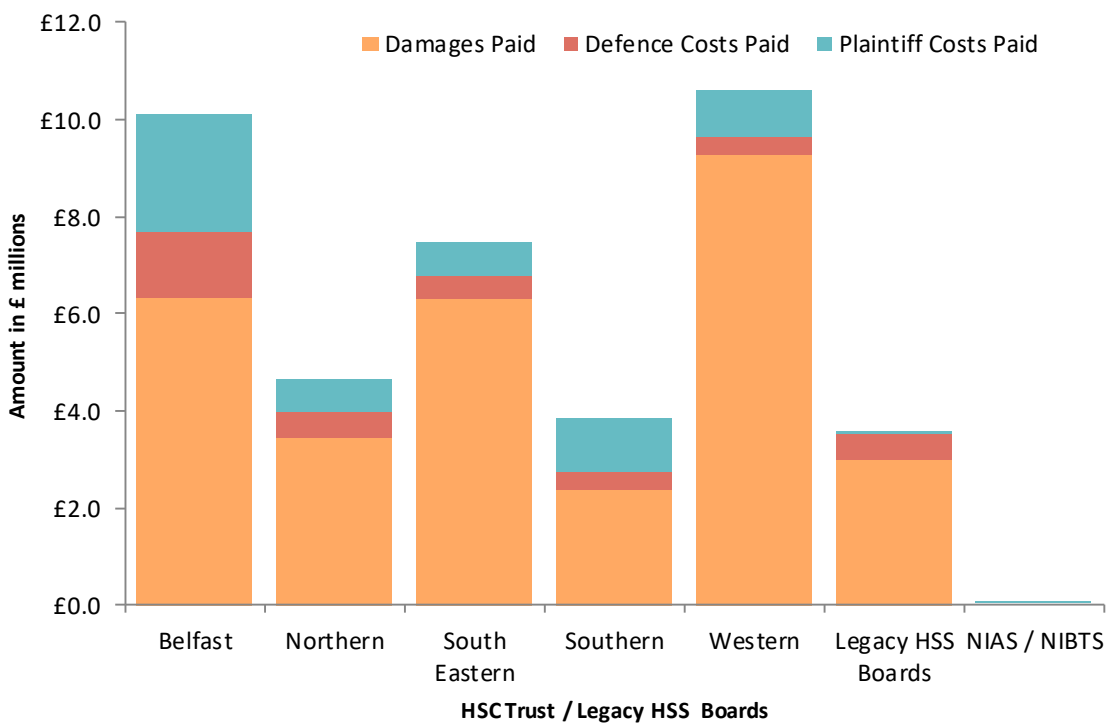
£4.4 m
Increase in the
amount paid in
damages compared
with 2017/18

Over a quarter (26.3%, £10.6 million) of all monies paid in 2021/22 were paid by the Western HSC Trust, whilst the Northern Ireland Ambulance Service (NIAS) and the Northern Ireland Blood Transfusion Service (NIBTS) paid the lowest amount (0.1%, £33,442) (Figure 2, Table 2).

During 2021/22, the percentage of all monies paid in legal costs ¹ ranged from 12.4% (£1.3 million) of cases in the Western HSC Trust to 88.0% (£29,442) of cases in the Northern Ireland Ambulance Service (NIAS) and the Northern Ireland Blood Transfusion Service (NIBTS) (Figure 2, Table 2).

£10.6 m
Of all monies paid in 2021/22 was paid by the Western HSC Trust

Figure 2: Amount paid out during 2021/22, by HSC Trust / Legacy HSS Board ² and type of payment



Source: CN1a

¹ Legal Costs = Defence Costs + Plaintiff Costs

² Legacy HSS Boards are responsible for alleged incidents that occurred prior to 1993, regardless of the date the claim is made.

SECTION 2

CASES OPEN AT ANY STAGE DURING THE YEAR

This section details the number of clinical/social care negligence cases open at any stage during each of the last five years. Readers should note that once a case is opened it will be included for each year that it remains open or settled. The year in which a case is closed is the last year it will be included.

During 2021/22, 3,987 clinical / social care negligence cases were open at any stage, 253 (6.8%) more than 2017/18 (3,734) (Figure 3, Table 3).

Figure 3: Cases open at any stage, by HSC Trust / Legacy HSS Boards (2017/18– 2021/22)

253
More open cases
in 2021/22 than
five years ago

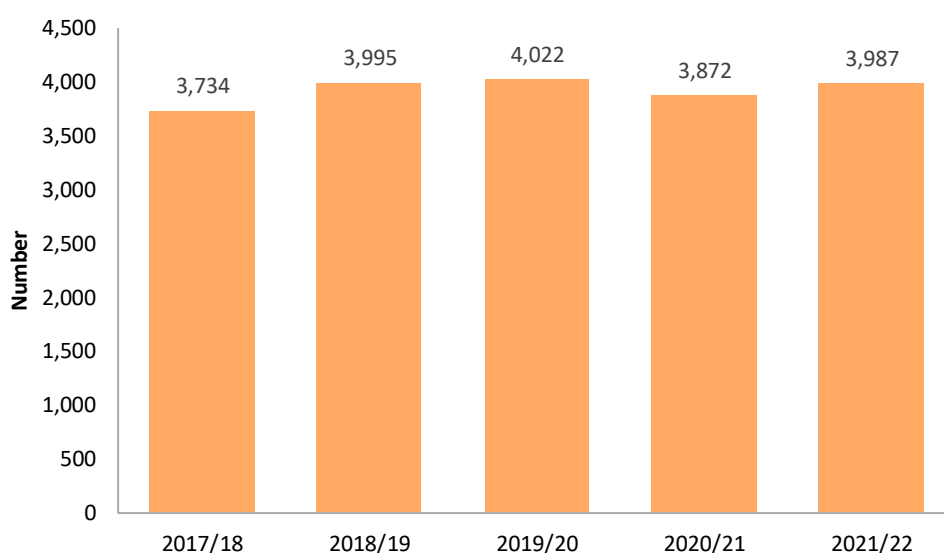
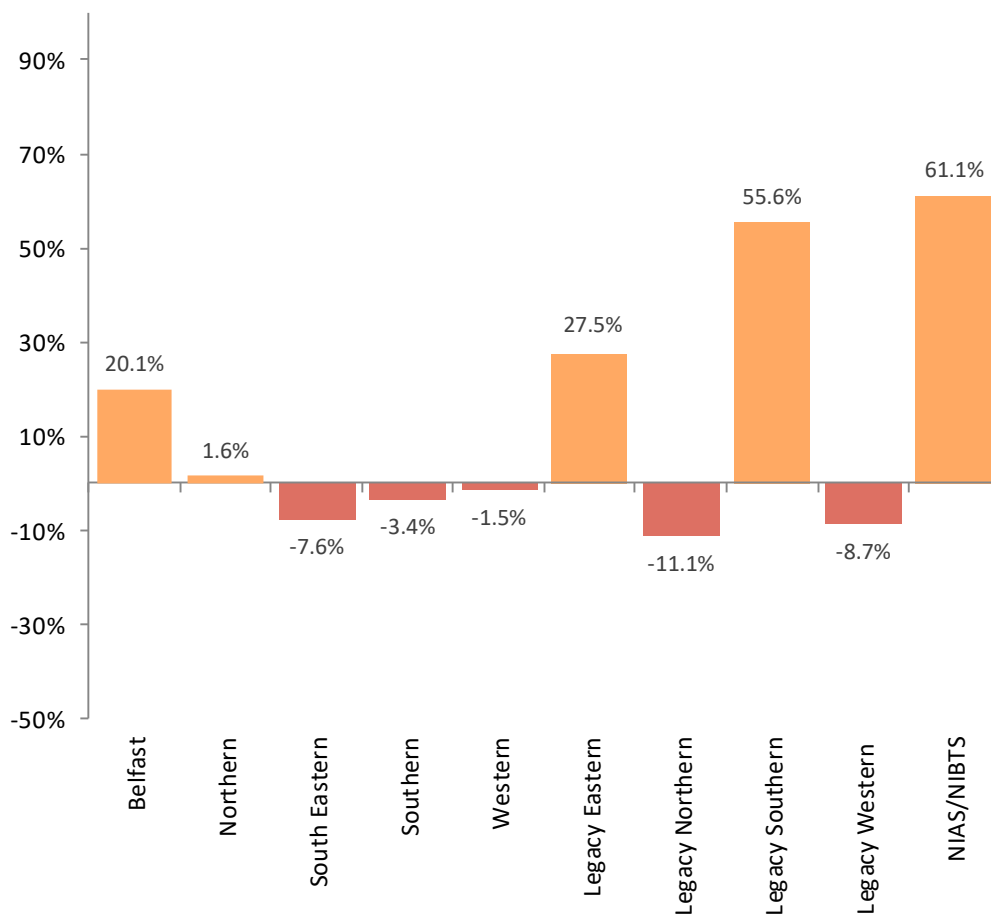


Figure 4: Change in the number of cases open during the year, by HSC Trust / Legacy HSS Board (2017/18– 2021/22)



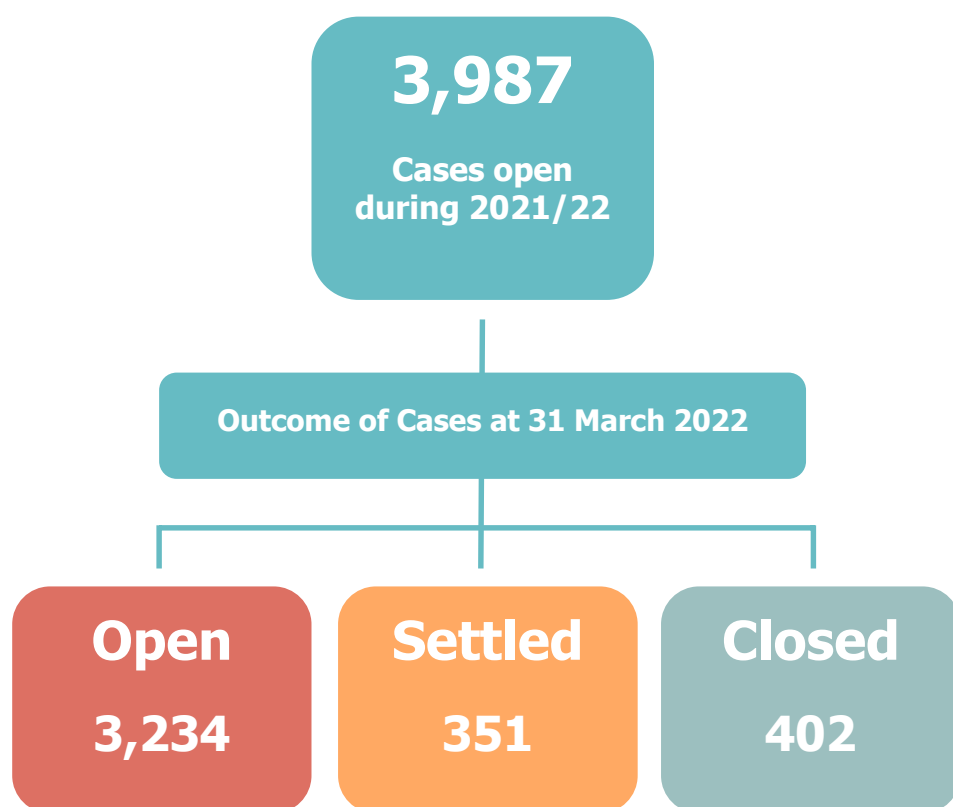
Since 2017/18, the NIAS and NIBTS reported the largest percentage increase in the number of cases open (61.1%, 11 cases), from 18 to 29 in 2021/22 (Figure 4, Table 3).

Over the last five years, the number of open cases increased in the Belfast HSC Trust, Northern HSC Trusts, Legacy Eastern HSS Board, Legacy Southern HSS board, and the NIAS/NIBTS (Figure 4, Table 3).

Outcome of cases at 31st March 2022^{3, 4}

Over four fifths (81.1%, 3,234) of the 3,987 cases open at any stage in 2021/22 remained open at 31st March 2022, 351 (8.8%) had been settled and 402 (10.1%) had been closed (Figure 5, Table 4).

Figure 5: Outcome of cases (open / settled / closed) at 31st March 2022



Over two fifths (43.4%, 1,730) of all cases open at any stage during 2021/22 were in the Belfast HSC Trust, 546 (13.7%) in the Southern Eastern HSC Trust, 539 (13.5%) in the Western HSC Trust, 519 (13.0%) in the Southern HSC Trust, 516 (12.9%) in the Northern HSC Trust, 108 (2.7%) in the Legacy HSS Boards and 29 (0.7%) in the NIAS / NIBTS (Table 4).

³ 'Cases Open During' refers to the number of cases that were open at any stage during 2021/22. The number of open, settled and closed cases refers to the position at 31st March 2022, the sum of which equals the total number of cases open during the year.

⁴ Refer to Definitions, Notes 2, 3 & 4.

Open cases

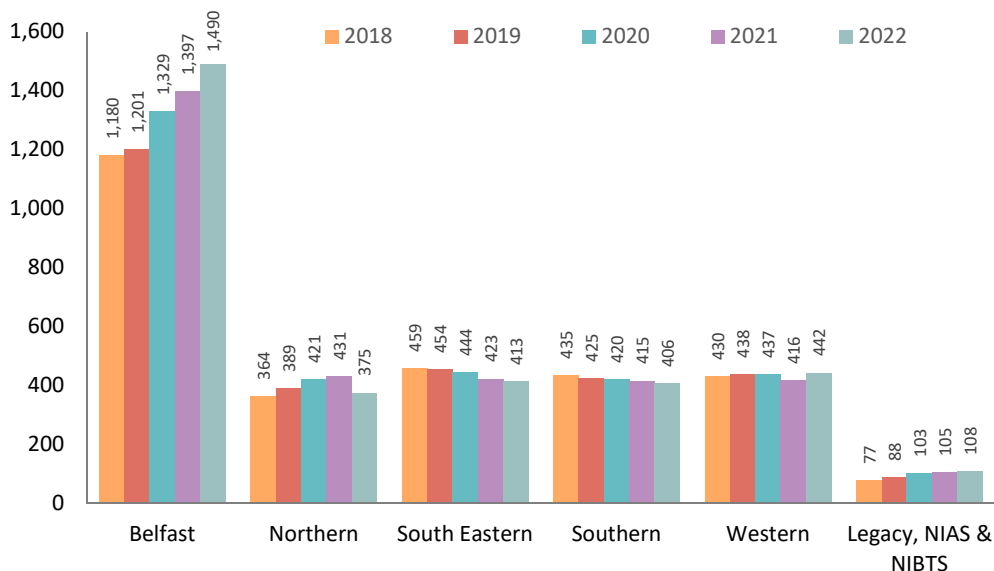
An open case refers to any case for which an official letter of notification of the intention to proceed with a case has been received, and which had not been settled or closed by the last day of the year (31st March).

At 31st March 2022, 3,234 cases remained open in Northern Ireland. Across HSC Trusts, the number of cases open ranged from 108 in the Legacy HSS Boards, NIAS & NIBTS to 1,490 in the Belfast HSC Trust (Figure 6, Table 5).

Since 2018, the Belfast HSC Trust reported the largest increase in the number of cases open at 31st March (310, 26.3%), from 1,180 to 1,490 in 2022 (Figure 6, Table 5).

3,234
Cases remained
open at 31st
March 2022

Figure 6: Cases open at 31st March (2018 – 2022)



Settled cases ⁵

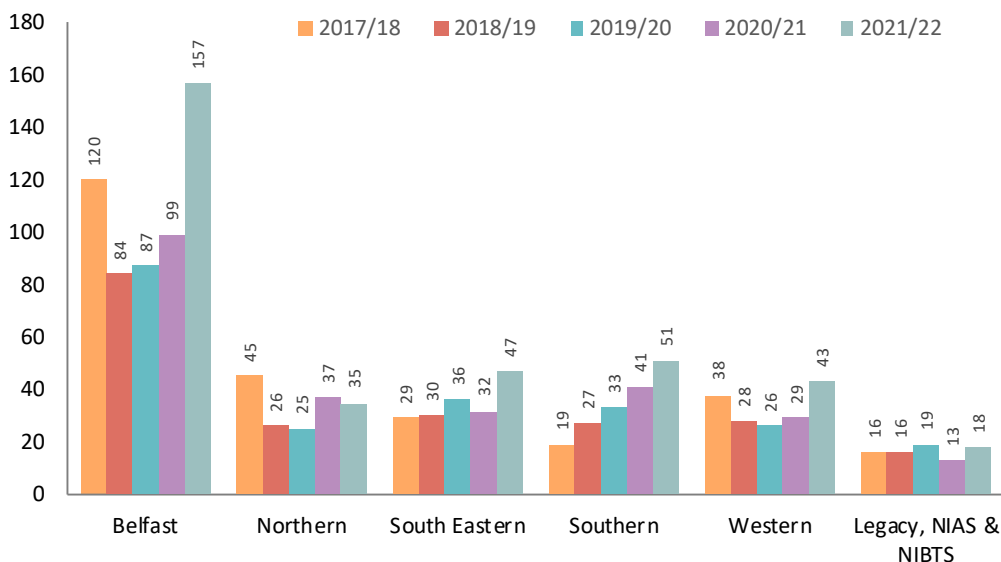
A settled case refers to any settled case that was not subsequently closed by the end of 2021/22. If a case was settled and then closed within the same financial year it is recorded as closed as at 31st March.

During 2021/22, 351 cases were settled in Northern Ireland. Of these, 157 (44.7%) were settled in the Belfast HSC Trust, 51 (14.5%) in the Southern HSC Trust, 47 (13.4%) in the South Eastern HSC Trust, 43 (12.3%) in the Western HSC Trust, 35 (10.0%) in the Northern HSC Trust, and 18 (5.1%) in the Legacy HSS Boards, NIAS & NIBTS (Figure 7, Table 6).

Since 2017/18, the number of cases settled increased in each HSC Trust with the exception of the Northern HSC Trust. The Southern HSC Trust reported the largest increase (32, 168.4%) in the number of cases settled during this period, from 19 to 51 in 2021/22 (Figure 7, Table 6).

351
Cases were
settled in
2021/22

Figure 7: Cases settled (2017/18 – 2021/22)



⁵ Cases settled at 31st March 2022 include 'Periodic Payment Order' cases which may have been settled before 1st April 2021. For more information see p.27.

Closed cases

A closed case refers to:

- (i) a case where the decision has been made to withdraw or not proceed with no money being awarded; or
- (ii) a case where all monies awarded have been paid, and there is no longer any activity.

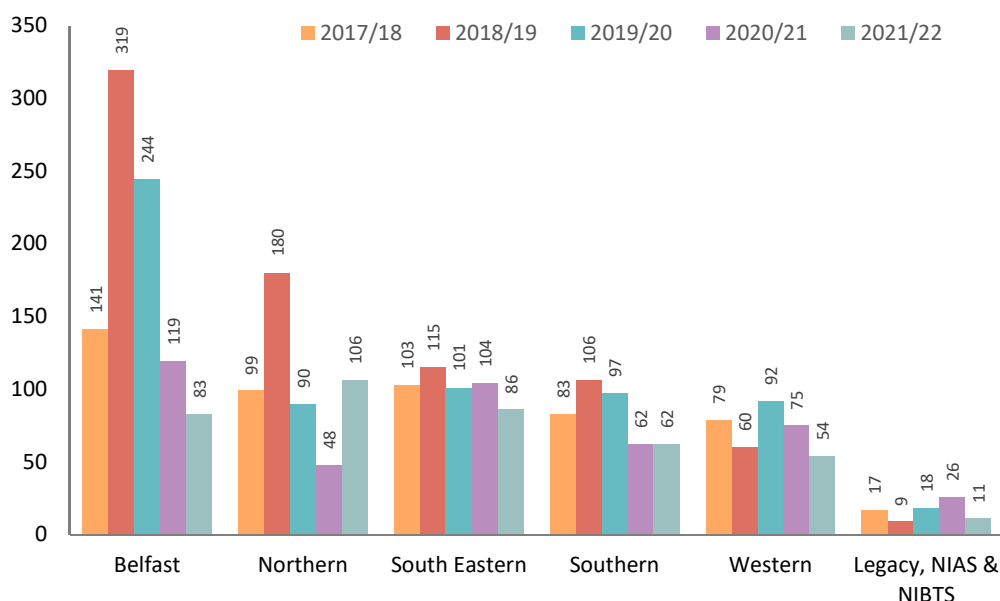
A case is officially closed when the Directorate of Legal Services (DLS) issue a letter stating that the case has been closed.

During 2021/22, 402 cases were closed in Northern Ireland. Of these, 106 (26.4%) were closed in the Northern HSC Trust, 86 (21.4%) in the South Eastern HSC Trust, 83 cases (20.6%) in the Belfast HSC Trust, 62 (15.4%) in the Southern HSC Trust, 54 (13.4%) in the Western HSC Trust and 11 (2.7%) in the Legacy HSS Boards, NIAS & NIBTS (Figure 8, Table 7).

402

Cases were closed during 2021/22

Figure 8: Cases closed during the year (2017/18 - 2021/22)



New cases

A new case refers to any case opened during the financial year i.e. 1st April 2021 to 31st March 2022.

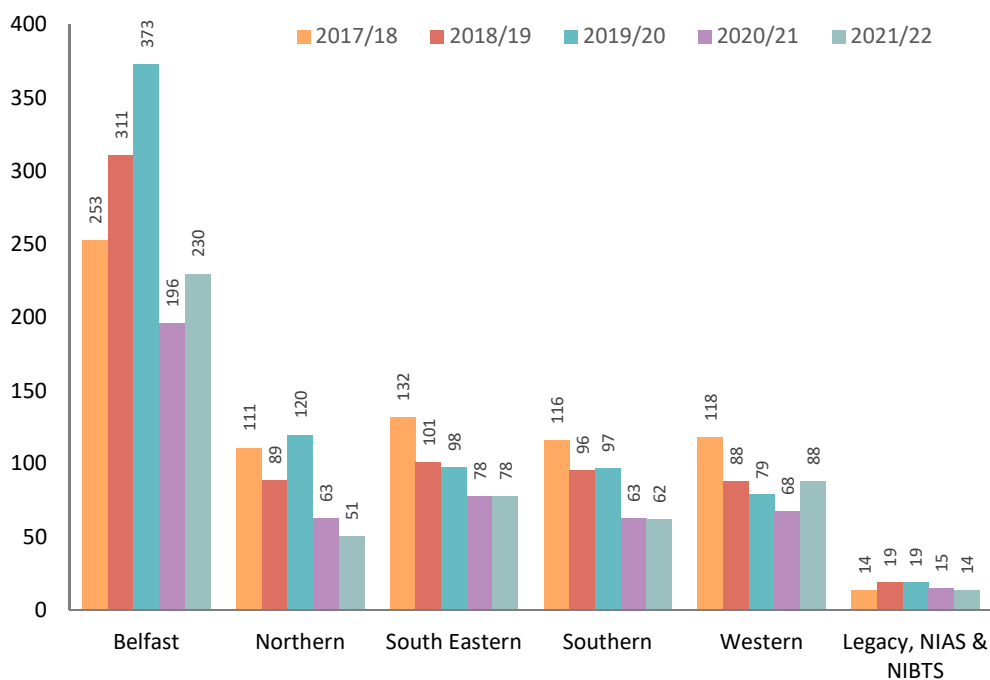
During 2021/22, 523 new cases were opened in Northern Ireland, with the number of new cases opened ranging from 14 in the Legacy HSS Boards, NIAS & NIBTS to 230 in the Belfast HSC Trust (Figure 9, Table 8).

Since 2017/18, the number of new cases opened decreased in all Trusts with the exception of the Legacy HSS Boards, NIAS & NIBT which remained at 14 cases (Figure 9, Table 8).

523

New cases were opened in 2021/22

Figure 9: New cases opened during the year (2017/18 - 2021/22)



Year of incident

The information below presents the number of clinical / social care negligence cases that were open at any stage during 2021/22, by the year in which the alleged incident occurred.

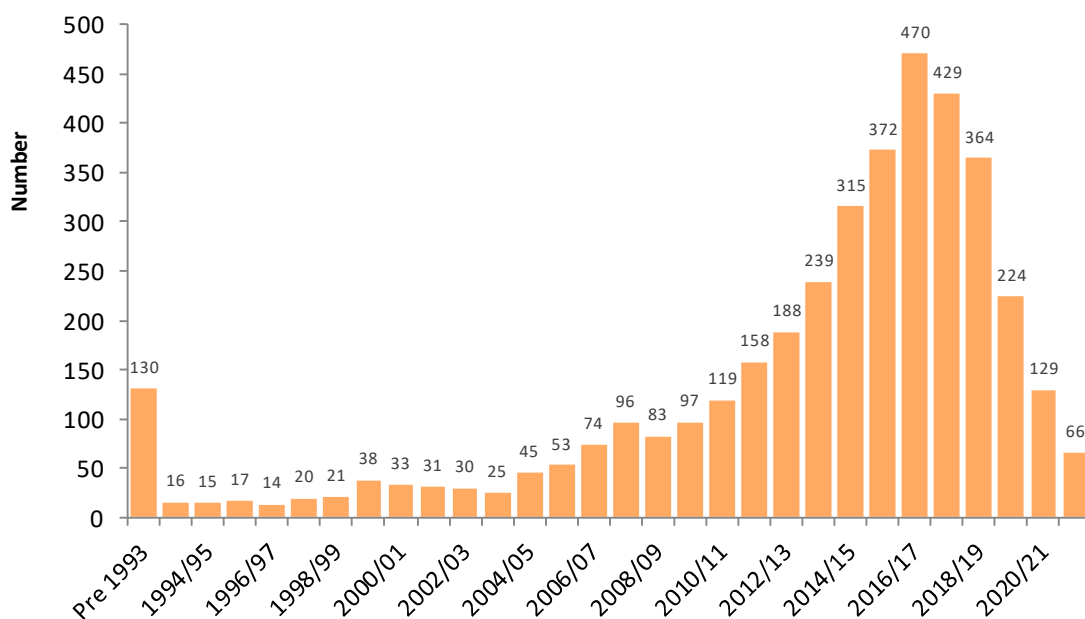
Information on the date of the alleged incident was recorded for 98.1% (3,911) of all cases open in 2021/22 ⁶ (Table 9).

It should also be noted that cases may not be lodged until several years after the date of the alleged incident. This would be expected in cases such as those relating to pregnancy and childbirth, where there may be a delay in the outcome of the disease or disorder.

Almost a third (31.0%, 1,212) ⁷ of all cases open at any stage in 2021/22 related to incidents within the last five years, whilst 130 (3.3%) related to incidents prior to 1993 (Figure 10, Table 9).

31%
Of cases open related to incidents that occurred in the last five years

Figure 10: Cases open by year of incident



⁶ Where the date of the alleged incident was not recorded, the year of incident has been recorded as unknown.

⁷ Refers to cases with a known incident date.

Age of case

The age of a case is based on the difference between the date the case was opened and 31st March 2022 or the date the case was settled or closed.

Over half (50.2%, 1,622) of the 3,234 cases that remained open at 31st March 2022, had been open for less than 3 years, whilst 134 (4.1%) had been open for 10 years or more (Table 10).

Over two thirds (67.2%, 236) of cases settled in 2021/22 had been open for 3 - 10 years, whilst 101 (28.8%) were open for less than three years (Table 10).

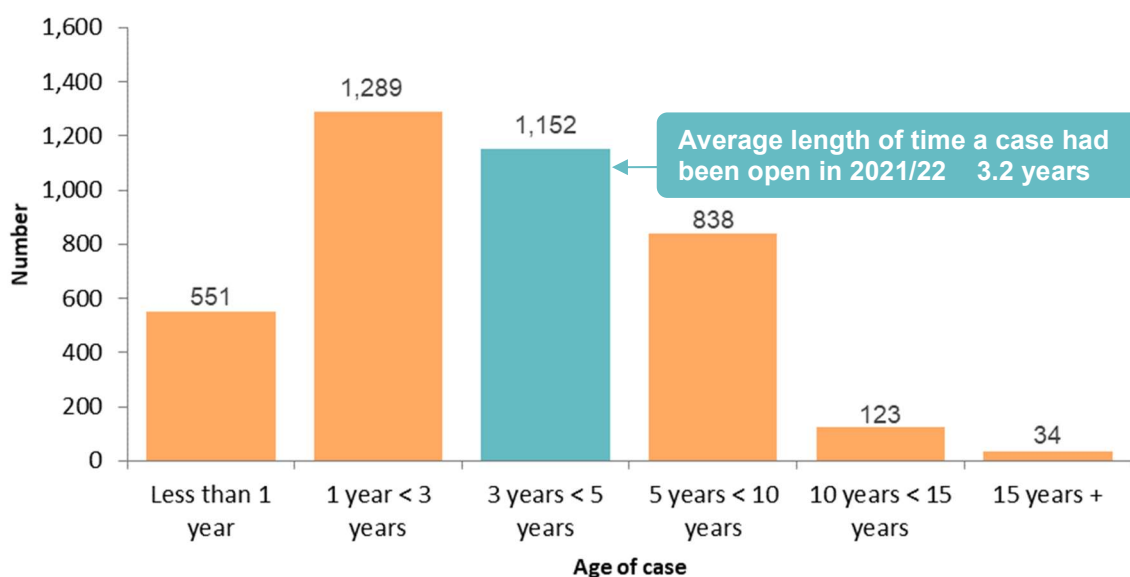
Almost three quarters (74.1%, 298) of cases closed during 2021/22 had been open for less than 5 years (Table 10).

Cases open at any stage in 2021/22, had been open on average for 3.2 years, longer than in 2020/21 (2.9 years) (Figure 11).

3.2 Years

Average time a case had been open in 2021/22

Figure 11: Cases open at any stage during the year, by age of case (2021/22)



Age at date of alleged incident ⁸

Age, at the time of the alleged incident, was available for 3,845 (96.4%) clinical / social care negligence cases open at any stage during 2021/22. On a few occasions the relevant HSC Trust/ Legacy HSS Board may not initially have been informed of the date of the alleged incident or the date of birth of the patient, in these instances, age at the date of the alleged incident is unknown (Figure 12).

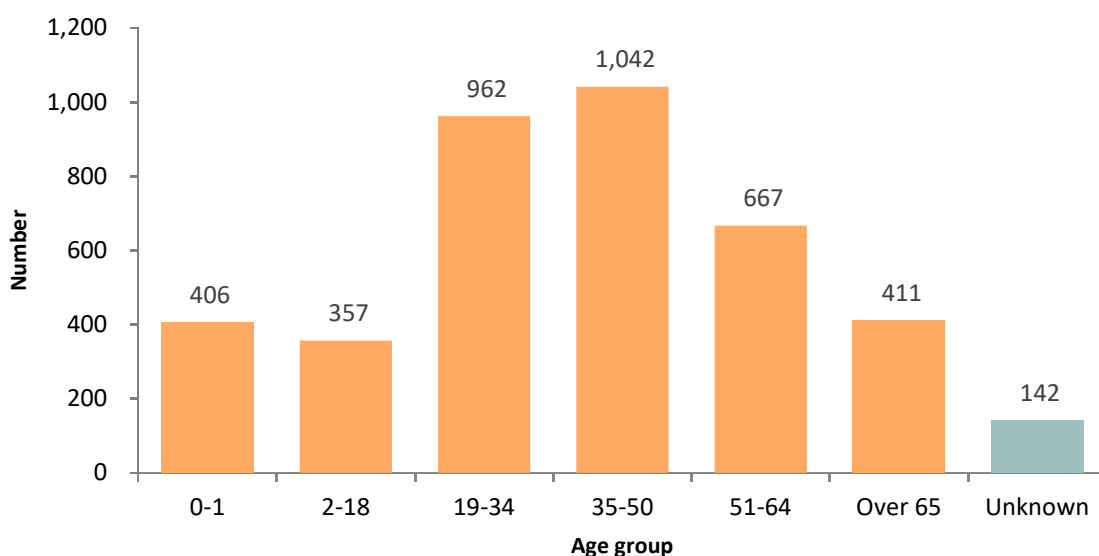
Over the last five years, the number of cases open increased in each age group with the exception of the '0-1' and '19-34' year old age groups, with the highest number of cases open (1,042) recorded in the '35-50' age group (Table 11).

Since 2017/18, the number of cases involving persons '18 & under', increased by 5 (0.7%), from 758 in 2017/18 to 763 in 2021/22 (Table 11).

Since 2017/18, the number of cases involving persons in the 'Over 65' age group increased by 36 (9.6%), from 375 to 411 in 2021/22 (Table 11).

26.1%
Of cases open
involved persons
aged 35 - 50

Figure 12: Cases open at any stage, by age group (2021/22)



⁸ Age at date of alleged incident was calculated as the difference between the date of birth of the patient and the date of the alleged incident.

Nature of alleged incident

The nature of the alleged incident was recorded for 3,615 (90.7%) of all cases open at any stage during 2021/22⁹ (Table 12).

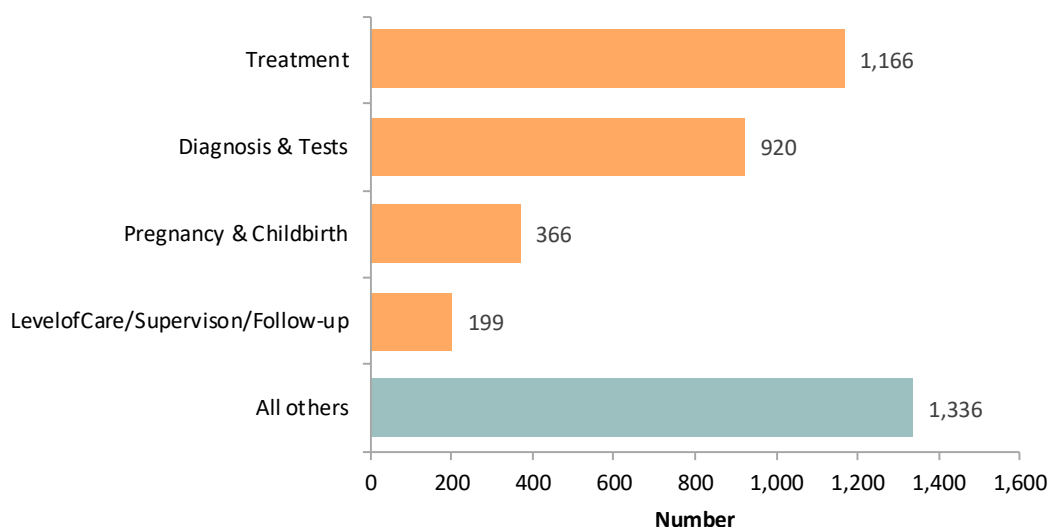
Four nature of incident categories accounted for two thirds (66.5%, 2,651)¹⁰ of all cases open at any stage during 2021/22, 1,166 (29.2%) cases related to 'Treatment', 920 (23.1%) to 'Diagnosis & Tests', 366 (9.2%) to 'Pregnancy & Childbirth' and 199 (5.0%) to 'Level of Care/ Supervision/ Follow-up' (Figure 13, Table 12).

In 2021/22, the highest number of cases related to 'Treatment' in three of the five HSC Trusts (Belfast, South Eastern and Western), whilst the highest number of cases in the Northern and Southern HSC Trusts related to 'Diagnosis & Tests' (110 and 135 respectively) (Table 23).

The largest percentage of cases open in the Legacy HSS Boards, NIAS & NIBTS in 2021/22, related to the 'Pregnancy & Childbirth' incident group (13.9%, 19) (Table 23).

29.2%
Of cases open during 2021/22 related to Treatment

Figure 13: Four largest nature of alleged incident groups (2021/22)



⁹ A list of nature of incidents can be found in Appendix 3 with nature of incident **group** detailed in Appendix 4.

¹⁰ Refers to the number of cases with a **known** nature of incident.

Of the 1,166 cases related to the 'Treatment' incident group, 74.3% (866) were associated with 'Fail to / Delay Treatment' (Figure 14, Table 13).

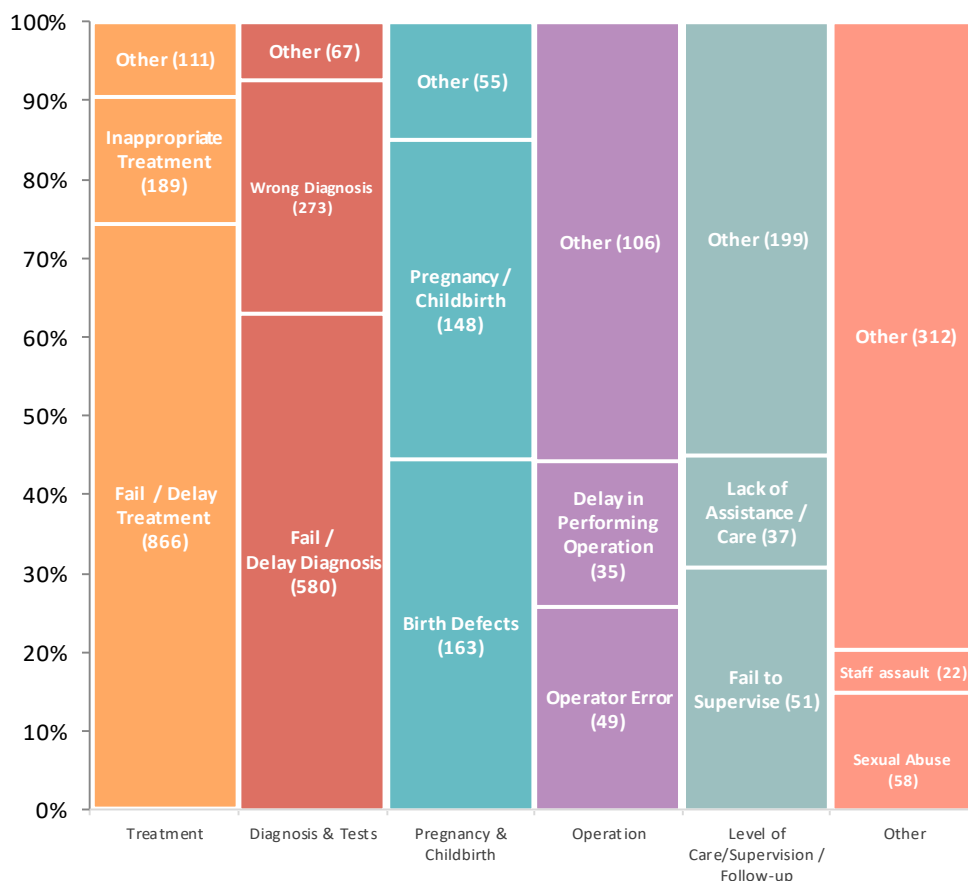
Over three fifths (63.0%, 580) of the 920 cases as 'Diagnosis & Tests' related to 'Failure to / Delay diagnosis' (Figure 14, Table 13).

Of the 366 cases related to 'Pregnancy & Childbirth', 44.5% (163) related to 'Birth Defects' and 148 (40.4%) related to 'Pregnancy / Childbirth' (Figure 14, Table 13).

Over a quarter (25.8%, 49) of incidents reported as 'Operation' (190) related to 'Operator Error' (Figure 14, Table 13).

More than a quarter (25.6%, 51) of cases reported as 'Level of Care/Supervision/Follow-up' (199), related to 'Fail to supervise' (Figure 14, Table 13).

Figure 14: Cases open at any stage, grouped by the nature of alleged incident (2021/22)



Specialty ¹¹

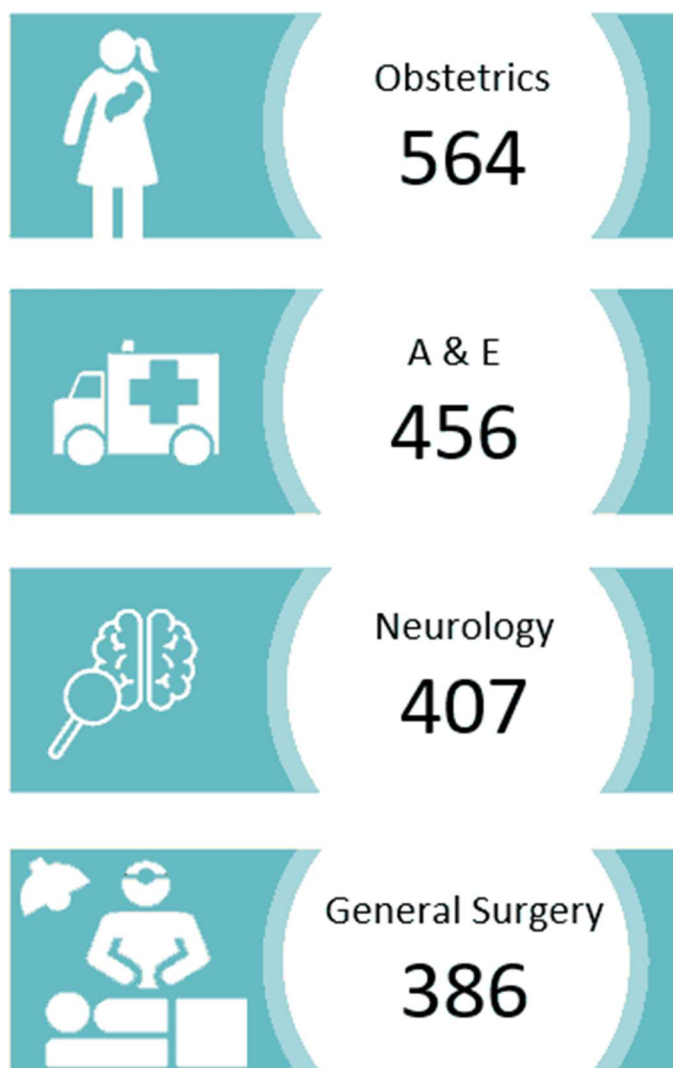
Specialty was recorded for 3,827 (96.0%) of all clinical / social care negligence cases open at any stage during 2021/22 (Table 14).

Since 2017/18, the number of cases relating to the 'Neurology' specialty has increased almost twenty-fold (384), from 23 to 407 in 2021/22 (Table 14).

Almost half (45.5%, 1,813) of all cases open in 2021/22, related to four specialties; 'Obstetrics' (564), 'Accident & Emergency' (456), 'Neurology' (407) and 'General Surgery' (386) (Figure 15, Table 14).

14.1%
Of cases related
to the 'Obstetrics'
specialty

Figure 15: Number of cases by four largest specialties (2021/22)



¹¹ A list of case specialties can be found in Appendix 5. This list consists of Korner specialties plus additional categories to cover community related incidents.

SECTION 3

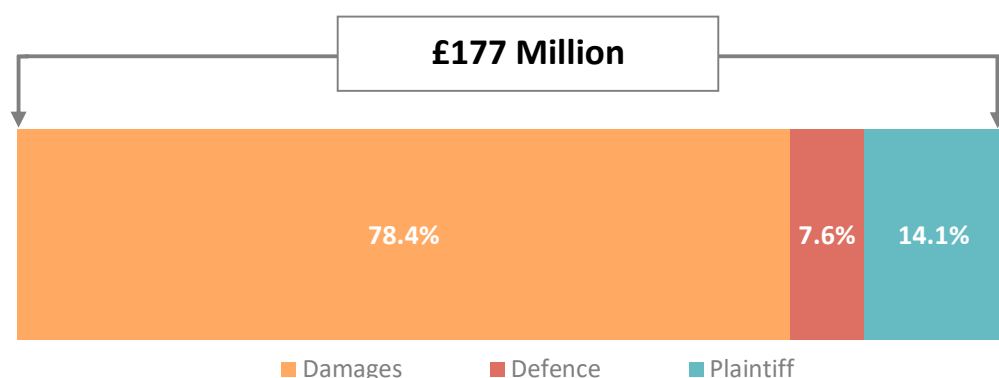
PAYMENTS UP TO 31st MARCH 2022

Readers should note that information presented in this section **refers to the total cumulative payments up to 31st March 2022** and **not** the amount paid out in 2021/22, which is presented separately in section 1. For example, if a case was opened in 2015 and had not been closed by 1st April 2021, payments will be included on this case from the date it opened until 31st March 2022 or closed date.

At 31st March 2022, £177.4 million had been paid on the 3,987 clinical / social care negligence cases that were open at any stage in 2021/22. Of this, £139.0 million (78.4%) had been awarded in damages, £25.0 million (14.1%) in plaintiff costs and £13.4 million (7.6%) in defence costs (Figure 16, Table 15).

Four fifths (80.0%, £111.2 million) of the total amount paid in damages ¹² related to just 46 (1.2%) of the 3,987 cases open during 2021/22.

Figure 16: Amount paid on cases open at any stage during 2021/22



¹² Refer to Definitions, Note 8.

46 cases
Accounted for
over three quarters
of damages paid

Figure 17: Amount paid on cases open at any stage during 2021/22, by HSC Trust / Legacy HSS Board



The Belfast HSC Trust paid the largest amount in damages and legal costs (£56.2 million) on cases which were open in 2021/22, accounting for almost one third (31.7%) of all monies paid (Figure 17, Table 15).

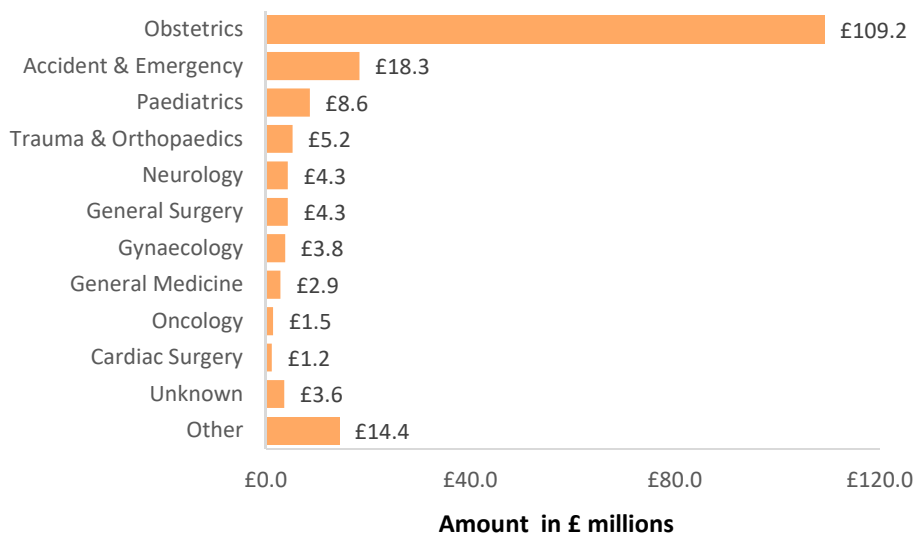
Almost two fifths (£14.6 million, 38.0%) of the total amount paid in legal costs¹³ was paid by the Belfast HSC Trust, £7.0 million (18.3%) by the South Eastern HSC Trust, £6.0 million (15.7%) by the Southern HSC Trust, £5.6 million (14.5%) by the Northern HSC Trust, £3.0 million (7.8%) by the Western HSC Trust, £2.1 million (5.5%) by the Legacy HSS Boards and £34,104 (0.1%) by the NIAS/NIBTS (Table 15).

¹³ Refer to Definitions, Notes 9 and 10.

Payments by speciality

Of the £177.4 million paid on clinical / social care negligence cases open at any stage during 2021/22, £161.9 million (91.2%), related to 10 specialties (Table 16, Figure 18).

Figure 18: Amount paid on the 10 largest specialties (2021/22)

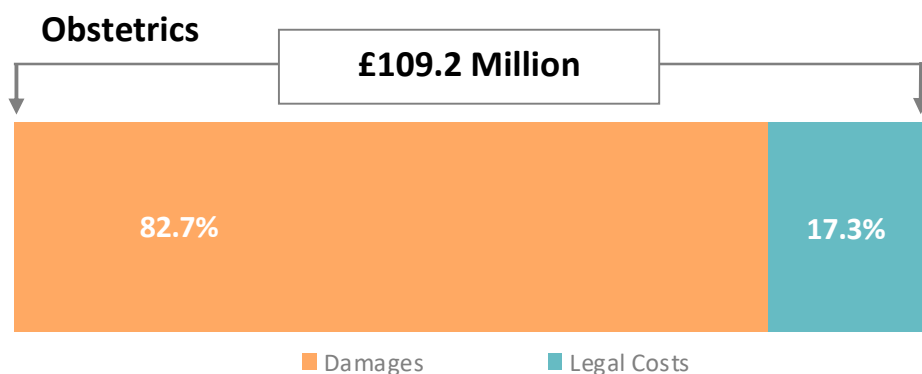


62%

Of the amount paid out on open cases related to the 'Obstetrics' speciality

Over three fifths (61.6%, £109.2 million) of the amount paid out on cases open at any stage in 2021/22 related to the 'Obstetrics' speciality, of which 82.7% (£90.4 million) had been paid in damages (Figure 19, Table 16).

Figure 19: Amount paid on the obstetrics speciality (2021/22)

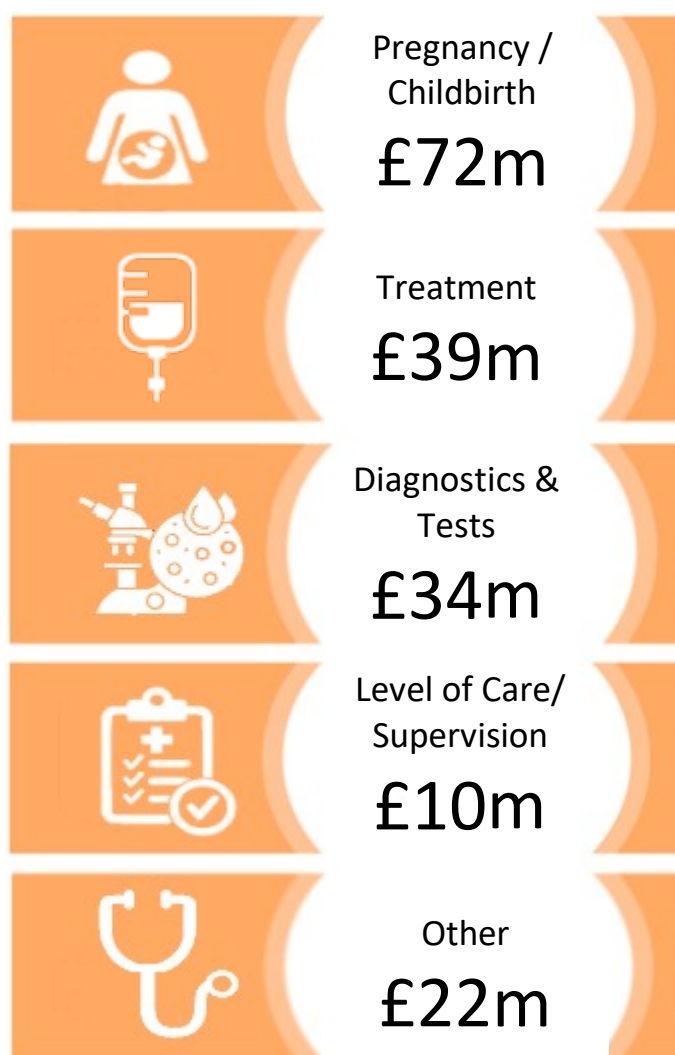


Payments by nature of alleged incident ¹⁴

Over two fifths (40.8%, £72.4 million) of the total amount paid to date on clinical / social care negligence cases open at any stage during 2021/22, related to the Pregnancy & Childbirth nature of incident group. Of this, 82.9% (£60.0 million) had been paid in damages (Figure 20, Table 17).

Four categories accounted for 87.5% (£155.3 million) of all monies paid on cases open at any stage during 2021/22. Of this, £123 million (79.2%) had been paid in damages and £32.3 million (20.8%) in legal costs (Table 17).

Figure 20: Total amount paid by the largest “nature of alleged incident” categories (2021/22)



¹⁴ The nature of the alleged incident was determined by data providers using the list provided in Appendix 3.

Periodical payment orders

A periodical payment order (PPO), also referred to as a 'structured settlement', is an arrangement whereby the claimant receives a lump sum for their immediate needs up front, followed by periodical payments on an agreed schedule, that is, it provides a stream of future payments (tax-free) guaranteed for life. The decision on whether to proceed with receiving the settlement as a lump sum or through periodical payments is voluntary, and to date a relatively small number of plaintiffs have opted for PPOs in Northern Ireland.

Almost a quarter (24.6%, £43.7 million) of the £177.4 million paid on cases open at any stage during 2021/22, had been paid on 17 PPO cases (Figure 21, Table 18).

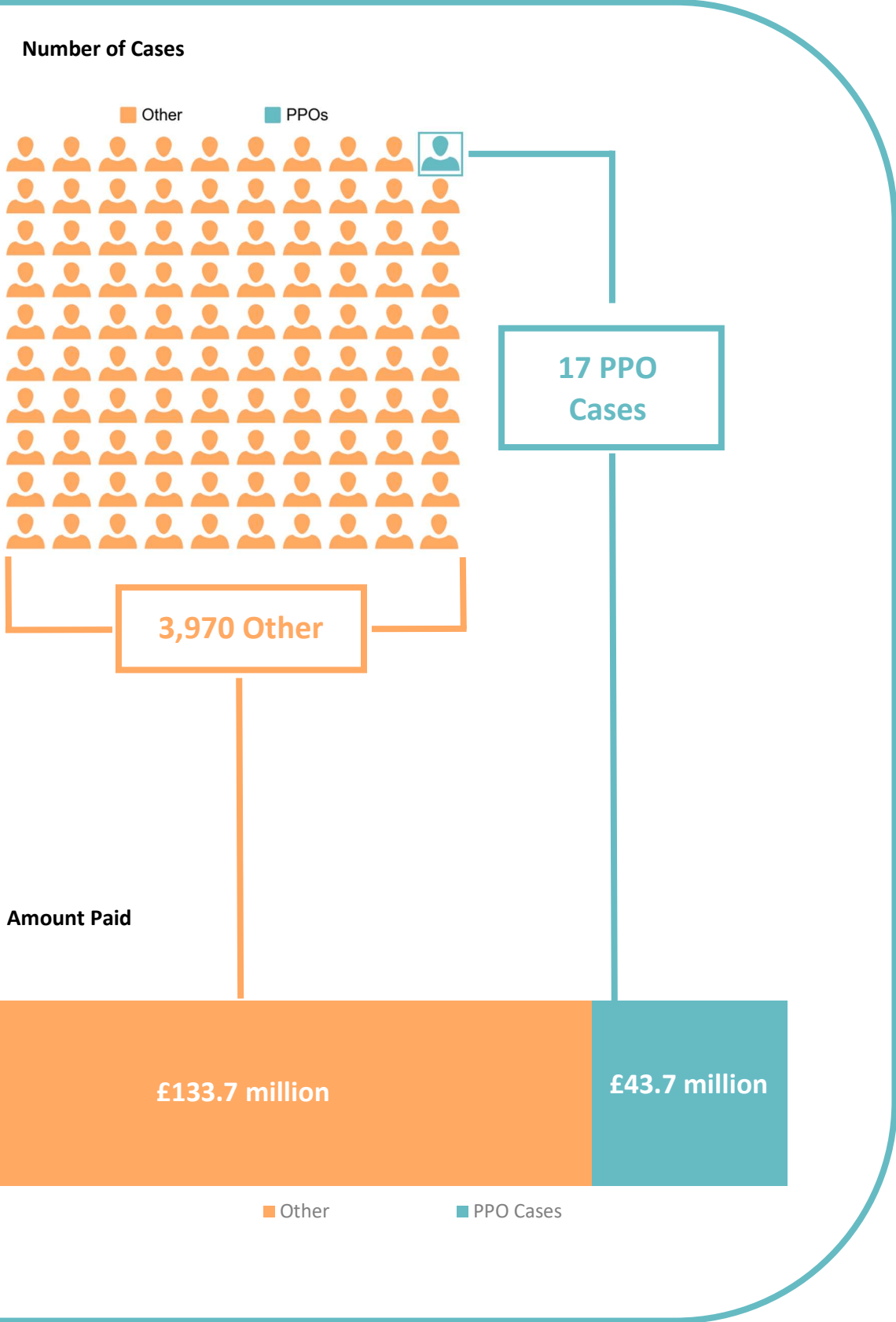
Of the £43.7 million paid by PPOs, £36.1 million (82.7%) had been paid in damages, £5.3 million (12.2%) in plaintiff costs and £2.2 million (5.1%) in defence costs (Table 18).

Over three fifths (60.5%, £26.5 million) of the amount paid by PPOs had been paid by the South Eastern HSC Trust, and £17.2 million (39.5%) by the Southern HSC Trust, whilst the Belfast, Northern and Western HSC Trusts and the Legacy HSS Boards, NIAS & NIBTS had no PPOs in 2021/22 (Table 18).

25%

Of the total amount paid on cases open in 2021/22 was paid on 17 PPO cases

Figure 21: Amount paid on periodic payment order cases (2021/22)



Payments on closed cases ¹⁵

During 2021/22, 402 (10.1%) cases were closed, with over three quarters (77.1%, 310) closed without any payment awarded (Table 19).

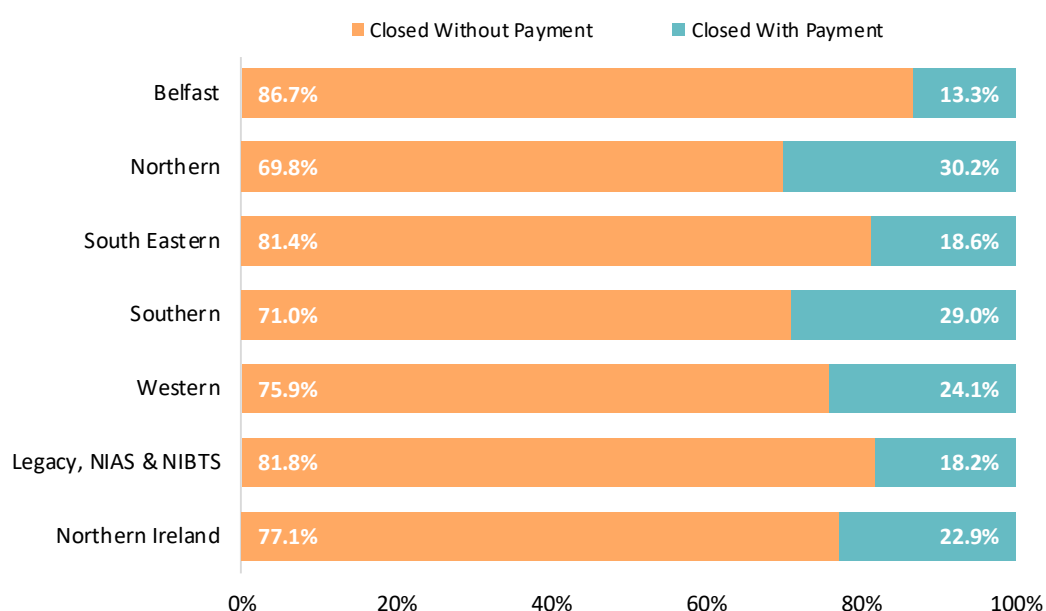
The Belfast HSC Trust closed 83 cases in 2021/2022, with 72 (86.7%) being closed without any payments awarded, whilst the Northern HSC Trust made payments on almost one third (30.2%, 32) of the cases they closed in 2021/22 (Figure 22, Table 19).

Over one fifth (22.9%, 92) of cases closed in 2021/22 had payments awarded, which totalled £4.7 million. This accounted for 2.7% of all monies paid out on cases open at any stage during the year (Table 20).

Almost half (49.4%, £2.3 million) of the amount paid on cases closed in 2021/22 was paid by the Northern HSC Trust (Table 20).

77%
Of cases were closed in 2021/22 with no payments awarded

Figure 22: Cases closed with & without payments (2021/22)



¹⁵ A payment may include damages awarded, defence costs and plaintiff costs or a combination of any of these three costs.

Closed cases with legal costs exceeding damages

Over one in ten (13.4%, 54) cases closed in 2021/22 had legal costs (£1.2 million) exceeding the amount awarded in damages (£0.6 million). This equates to £0.6 million more paid in legal costs than damages, with the Southern Trust recording the largest difference (£0.2 million) (Table 21).

Payments on cases closed with no damages

Twenty four (6.0%) cases closed in 2021/22 had no damages awarded but had legal fees amounting to £170,283. This accounted for 3.6% of all monies paid out on cases closed during 2021/22 (Table 22).

ADDITIONAL TABLES

Table 1: Amount paid on clinical / social care negligence cases, by HSC Trust / Legacy HSS Board (2017/18- 2021/22)

| HSC Trust / Legacy HSS Board | 2017/18 | 2018/19 | 2019/20 | 2020/21 | 2021/22 | Change Since 2017/18 | % Change Since 2017/18 |
|------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|----------------------|------------------------|
| Belfast | £10,843,553 | £15,230,342 | £10,103,777 | £7,057,538 | £10,111,212 | -£732,341 | -6.8% |
| Northern | £8,201,203 | £2,157,461 | £5,271,022 | £4,737,589 | £4,634,885 | -£3,566,318 | -43.5% |
| South Eastern | £6,776,587 | £1,147,087 | £5,612,118 | £4,580,300 | £7,483,858 | £707,271 | 10.4% |
| Southern | £5,154,844 | £2,912,103 | £5,918,173 | £2,739,764 | £3,847,967 | -£1,306,877 | -25.4% |
| Western | £3,228,221 | £3,766,075 | £3,847,470 | £1,779,476 | £10,588,093 | £7,359,872 | 228.0% |
| Legacy HSS Boards | £1,421,614 | £3,989,029 | £1,851,585 | £934,659 | £3,568,144 | £2,146,530 | 151.0% |
| NIAS / NIBTS | £25,818 | £7,437 | £223,832 | £22,448 | £33,442 | £7,624 | 29.5% |
| Northern Ireland | £35,651,840 | £29,209,533 | £32,827,978 | £21,851,773 | £40,267,602 | £4,615,762 | 12.9% |

Table 2: Amount paid on clinical / social care negligence cases during 2021/22, by HSC Trust / Legacy HSS Board and type of payment

| HSC Trust / Legacy HSS Board | Damages Paid | Defence Costs Paid | Plaintiff Costs Paid | Total Amount Paid |
|------------------------------|--------------------|--------------------|----------------------|--------------------|
| Belfast | £6,306,798 | £1,352,661 | £2,451,753 | £10,111,212 |
| Northern | £3,420,867 | £562,220 | £651,798 | £4,634,885 |
| South Eastern | £6,330,935 | £450,351 | £702,572 | £7,483,858 |
| Southern | £2,358,829 | £376,172 | £1,112,966 | £3,847,967 |
| Western | £9,274,461 | £384,114 | £929,518 | £10,588,093 |
| Legacy HSS Boards | £2,984,689 | £522,395 | £61,061 | £3,568,144 |
| NIAS / NIBTS | £4,000 | £9,872 | £19,570 | £33,442 |
| Northern Ireland | £30,680,579 | £3,657,785 | £5,929,238 | £40,267,602 |

Table 3: Cases open during the year, by HSC Trust / Legacy HSS Board ¹⁶ (2017/18- 2021/22)

| HSC Trust / Legacy HSS Board | 2017/18 | 2018/19 | 2019/20 | 2020/21 | 2021/22 |
|------------------------------|--------------|--------------|--------------|--------------|--------------|
| Belfast | 1,441 | 1,604 | 1,660 | 1,615 | 1,730 |
| Northern | 508 | 595 | 536 | 516 | 516 |
| South Eastern | 591 | 599 | 581 | 559 | 546 |
| Southern | 537 | 558 | 550 | 518 | 519 |
| Western | 547 | 526 | 556 | 520 | 539 |
| Legacy Eastern | 51 | 48 | 67 | 66 | 65 |
| Legacy Northern | 9 | 13 | 12 | 11 | 8 |
| Legacy Southern | 9 | 10 | 11 | 12 | 14 |
| Legacy Western | 23 | 21 | 24 | 26 | 21 |
| NIAS/NIBTS | 18 | 21 | 25 | 29 | 29 |
| Northern Ireland | 3,734 | 3,995 | 4,022 | 3,872 | 3,987 |

Table 4: Outcome of cases during the year, by HSC Trust / Legacy HSS Board (2021/22) ¹⁷

| HSC Trust / Legacy HSS Board | Outcome at 31 st March 2022 | | | All Cases Open During 2021/22 |
|------------------------------|--|------------|------------|-------------------------------|
| | Open | Settled | Closed | |
| Belfast | 1,490 | 157 | 83 | 1,730 |
| Northern | 375 | 35 | 106 | 516 |
| South Eastern | 413 | 47 | 86 | 546 |
| Southern | 406 | 51 | 62 | 519 |
| Western | 442 | 43 | 54 | 539 |
| Legacy HSS Boards | 84 | 16 | 8 | 108 |
| NIAS/NIBTS | 24 | 2 | 3 | 29 |
| Northern Ireland | 3,234 | 351 | 402 | 3,987 |

¹⁶ Legacy HSS Boards are responsible for alleged incidents that occurred prior to 1993, regardless of the date the claim is made.

¹⁷ In order to avoid personal disclosure an ‘**’ represents a cell count of less than 4. When the anonymised figure can be deduced from the totals, the next smallest figure was also anonymised.

Table 5: Open cases at 31st March, by HSC Trust / Legacy HSS Board (2018 - 2022)

| HSC Trust / Legacy HSS Board | Open at 31 st March | | | | |
|-------------------------------|--------------------------------|--------------|--------------|--------------|--------------|
| | 2018 | 2019 | 2020 | 2021 | 2022 |
| Belfast | 1,180 | 1,201 | 1,329 | 1,397 | 1,490 |
| Northern | 364 | 389 | 421 | 431 | 375 |
| South Eastern | 459 | 454 | 444 | 423 | 413 |
| Southern | 435 | 425 | 420 | 415 | 406 |
| Western | 430 | 438 | 437 | 416 | 442 |
| Legacy, NIAS & NIBTS | 77 | 88 | 103 | 105 | 108 |
| Northern Ireland Total | 2,945 | 2,995 | 3,154 | 3,187 | 3,234 |

Table 6: Settled cases at 31st March, by HSC Trust / Legacy HSS Boards (2018 - 2022)

| HSC Trust / Legacy HSS Board | Settled at 31 st March | | | | |
|-------------------------------|-----------------------------------|------------|------------|------------|------------|
| | 2018 | 2019 | 2020 | 2021 | 2022 |
| Belfast | 120 | 84 | 87 | 99 | 157 |
| Northern | 45 | 26 | 25 | 37 | 35 |
| South Eastern | 29 | 30 | 36 | 32 | 47 |
| Southern | 19 | 27 | 33 | 41 | 51 |
| Western | 38 | 28 | 26 | 29 | 43 |
| Legacy, NIAS & NIBTS | 16 | 16 | 19 | 13 | 18 |
| Northern Ireland Total | 267 | 211 | 226 | 251 | 351 |

Table 7: Cases closed by HSC Trust / Legacy HSS Board (2017/18- 2021/22)

| HSC Trust / Legacy HSS Board | Closed During | | | | |
|-------------------------------|---------------|------------|------------|------------|------------|
| | 2017/18 | 2018/19 | 2019/20 | 2020/21 | 2021/22 |
| Belfast | 141 | 319 | 244 | 119 | 83 |
| Northern | 99 | 180 | 90 | 48 | 106 |
| South Eastern | 103 | 115 | 101 | 104 | 86 |
| Southern | 83 | 106 | 97 | 62 | 62 |
| Western | 79 | 60 | 92 | 75 | 54 |
| Legacy, NIAS & NIBTS | 17 | 9 | 18 | 26 | 11 |
| Northern Ireland Total | 522 | 789 | 642 | 434 | 402 |

Table 8: New cases opened each year, by HSC Trust / Legacy HSS Board (2017/18- 2021/22)

| HSC Trust / Legacy HSS Board | New Cases | | | | |
|-------------------------------|------------|------------|------------|------------|------------|
| | 2017/18 | 2018/19 | 2019/20 | 2020/21 | 2021/22 |
| Belfast | 253 | 311 | 373 | 196 | 230 |
| Northern | 111 | 89 | 120 | 63 | 51 |
| South Eastern | 132 | 101 | 98 | 78 | 78 |
| Southern | 116 | 96 | 97 | 63 | 62 |
| Western | 118 | 88 | 79 | 68 | 88 |
| Legacy, NIAS & NIBTS | 14 | 19 | 19 | 15 | 14 |
| Northern Ireland Total | 744 | 704 | 786 | 483 | 523 |

Table 9: Cases by year of incident

| Year of Incident | 2017/18 | 2018/19 | 2019/20 | 2020/21 | 2021/22 |
|------------------|--------------|--------------|--------------|--------------|--------------|
| Pre 1993 | 103 | 110 | 136 | 132 | 130 |
| 1993/94 | 19 | 20 | 18 | 16 | 16 |
| 1994/95 | 22 | 16 | 16 | 14 | 15 |
| 1995/96 | 16 | 17 | 18 | 17 | 17 |
| 1996/97 | 17 | 14 | 14 | 14 | 14 |
| 1997/98 | 20 | 22 | 23 | 21 | 20 |
| 1998/99 | 27 | 27 | 25 | 22 | 21 |
| 1999/00 | 31 | 34 | 30 | 31 | 38 |
| 2000/01 | 26 | 28 | 32 | 29 | 33 |
| 2001/02 | 32 | 29 | 35 | 33 | 31 |
| 2002/03 | 31 | 33 | 34 | 32 | 30 |
| 2003/04 | 40 | 36 | 27 | 28 | 25 |
| 2004/05 | 41 | 41 | 41 | 45 | 45 |
| 2005/06 | 68 | 61 | 51 | 56 | 53 |
| 2006/07 | 103 | 94 | 88 | 80 | 74 |
| 2007/08 | 108 | 107 | 96 | 86 | 96 |
| 2008/09 | 122 | 116 | 89 | 82 | 83 |
| 2009/10 | 176 | 163 | 117 | 96 | 97 |
| 2010/11 | 184 | 155 | 136 | 121 | 119 |
| 2011/12 | 292 | 253 | 202 | 168 | 158 |
| 2012/13 | 406 | 343 | 250 | 208 | 188 |
| 2013/14 | 546 | 502 | 388 | 285 | 239 |
| 2014/15 | 451 | 494 | 443 | 358 | 315 |
| 2015/16 | 382 | 453 | 485 | 426 | 372 |
| 2016/17 | 316 | 426 | 498 | 500 | 470 |
| 2017/18 | 108 | 235 | 326 | 379 | 429 |
| 2018/19 | | 95 | 254 | 308 | 364 |
| 2019/20 | | | 79 | 161 | 224 |
| 2020/21 | | | | 51 | 129 |
| 2021/22 | | | | | 66 |
| Unknown | 47 | 71 | 71 | 73 | 76 |
| Total | 3,734 | 3,995 | 4,022 | 3,872 | 3,987 |

Table 10: Cases open at any stage during the year, by age of case (2021/22) ¹⁸

| Length of Time Open | Outcome at Year End | | | No. Open During Year |
|------------------------|---------------------|------------|------------|----------------------|
| | Open | Settled | Closed | |
| Less than 1 year | 513 | 11 | 27 | 551 |
| 1 year to < 3 years | 1,109 | 90 | 90 | 1,289 |
| 3 years to < 5 years | 869 | 102 | 181 | 1,152 |
| 5 years to < 10 years | 609 | 134 | 95 | 838 |
| 10 years to < 15 years | 106 | 8 | 9 | 123 |
| 15 years + | 28 | 6 | 0 | 34 |
| Total | 3,234 | 351 | 402 | 3,987 |

Table 11: Cases open at any stage, by age group (2017/18 – 2021/22)

| Age Group (Years) | 2017/18 | 2018/19 | 2019/20 | 2020/21 | 2021/22 |
|-------------------|--------------|--------------|--------------|--------------|--------------|
| 0-1 | 422 | 428 | 414 | 414 | 406 |
| 2-18 | 336 | 360 | 375 | 354 | 357 |
| 19-34 | 979 | 1,028 | 1,003 | 918 | 962 |
| 35-50 | 877 | 941 | 1,024 | 1,013 | 1,042 |
| 51-64 | 630 | 680 | 634 | 632 | 667 |
| Over 65 | 375 | 418 | 427 | 390 | 411 |
| Unknown | 115 | 140 | 145 | 151 | 142 |
| Total | 3,647 | 3,995 | 4,022 | 3,872 | 3,987 |

¹⁸ The age of the case was unknown in four instances.

Table 12: Cases open at any stage, by nature of alleged incident group (2017/18 – 2021/22)

| Nature of Incident Group | 2017/18 | 2018/19 | 2019/20 | 2020/21 | 2021/22 |
|-----------------------------------|--------------|--------------|--------------|--------------|--------------|
| Admissions/Referral | 20 | 25 | 25 | 21 | 29 |
| Assault (to or by patient) | 6 | 10 | 12 | 11 | 13 |
| Consent/Failure to warn | 43 | 58 | 51 | 50 | 58 |
| Diagnosis & Tests | 702 | 791 | 886 | 884 | 920 |
| Discharge | 17 | 16 | 18 | 17 | 19 |
| Facilities & Equipment | 59 | 63 | 67 | 64 | 66 |
| Infections | 78 | 79 | 72 | 63 | 57 |
| LevelofCare/Supervision/Follow-up | 219 | 237 | 222 | 190 | 199 |
| Medication/Bloods/Fluids | 113 | 118 | 111 | 112 | 113 |
| Operation | 289 | 286 | 265 | 251 | 190 |
| Pregnancy & Childbirth | 359 | 399 | 383 | 366 | 366 |
| Treatment | 1,136 | 1,233 | 1,203 | 1,130 | 1,166 |
| Unexpected death | 17 | 21 | 18 | 21 | 27 |
| Other | 509 | 510 | 407 | 419 | 392 |
| Unknown | 167 | 149 | 282 | 273 | 372 |
| Total | 3,734 | 3,995 | 4,022 | 3,872 | 3,987 |

Table 13: Cases open at any stage, grouped by the nature of the alleged incident (2021/22) ¹⁹

| Nature of Incident | No. of Cases | % of Nature of Incident Group |
|---|--------------|-------------------------------|
| Treatment | | |
| Fail/Delay treatment | 866 | 74.3% |
| Inappropriate treatment | 189 | 16.2% |
| Others under Treatment | 111 | 9.5% |
| Total | 1,166 | 100.0% |
| Diagnosis & Tests | | |
| Failure/Delay diagnosis | 580 | 63.0% |
| Wrong diagnosis made | 273 | 29.7% |
| Others under diagnosis & tests | 67 | 7.3% |
| Total | 920 | 100.0% |
| Pregnancy & Childbirth | | |
| Birth defects | 163 | 44.5% |
| Pregnancy/Childbirth | 148 | 40.4% |
| Others under Pregnancy & Childbirth | 55 | 15.0% |
| Total | 366 | 100.0% |
| Operation | | |
| Operator error | 49 | 25.8% |
| Delay in performing operation | 35 | 18.4% |
| Other under Operation | 106 | 55.8% |
| Total | 190 | 100.0% |
| Level of Care/Supervision / Follow-up | | |
| Fail to supervise | 51 | 25.6% |
| Lack of assistance/care | 37 | 18.6% |
| Other under Level of Care/ Supervision/ Follow-up | 111 | 55.8% |
| Total | 199 | 100.0% |
| Other | | |
| Sexual Abuse | 58 | 14.8% |
| Assault, etc by hospital staff | 22 | 5.6% |
| Not specified and other | 312 | 79.6% |
| Total | 392 | 100.0% |

¹⁹ This table details the largest nature of incident groups and the largest categories within those groups, therefore data will not sum to overall total.

Table 14: Cases open at any stage, by specialty (2017/18 – 2021/22)

| Specialty | 2017/18 | 2018/19 | 2019/20 | 2020/21 | 2021/22 |
|-------------------------------|--------------|--------------|--------------|--------------|--------------|
| Accident & Emergency | 629 | 670 | 645 | 577 | 456 |
| Anaesthetics & Pain Mgt. | 56 | 50 | 47 | 41 | 37 |
| Burns, Plastic & Max. Surgery | 30 | 28 | 25 | 23 | 26 |
| Cardiac Surgery | 28 | 23 | 17 | 15 | 18 |
| Cardiology | 45 | 47 | 49 | 49 | 49 |
| Children & Young People | 105 | 114 | 122 | 130 | 123 |
| Dentistry | 19 | 21 | 16 | 15 | 17 |
| Ear, Nose & Throat | 38 | 43 | 47 | 42 | 39 |
| General Medicine | 204 | 209 | 187 | 163 | 258 |
| General Surgery | 397 | 413 | 368 | 328 | 386 |
| Gynaecology | 236 | 259 | 275 | 284 | 337 |
| Mental Health Acute | 64 | 71 | 71 | 65 | 64 |
| Neurology | 23 | 107 | 261 | 333 | 407 |
| Neurosurgery | 28 | 27 | 24 | 22 | 18 |
| Obstetrics | 674 | 712 | 671 | 628 | 564 |
| Oncology | 33 | 43 | 52 | 52 | 55 |
| Ophthalmology | 43 | 51 | 54 | 49 | 46 |
| Paediatrics | 90 | 91 | 92 | 88 | 93 |
| Radiology | 55 | 60 | 61 | 62 | 64 |
| Trauma & Orthopaedics | 366 | 369 | 328 | 284 | 268 |
| Urology | 62 | 66 | 63 | 62 | 57 |
| Other | 440 | 459 | 445 | 420 | 445 |
| Unknown | 69 | 62 | 102 | 140 | 160 |
| Total | 3,734 | 3,995 | 4,022 | 3,872 | 3,987 |

Table 15: Amount paid to date on cases open at any stage during 2021/22

| HSC Trust/ Legacy HSS Board | Damages Paid | Defence Costs Paid | Plaintiff Costs Paid | Total Amount Paid | No. of Cases Open |
|-----------------------------|---------------------|--------------------|----------------------|---------------------|-------------------|
| Belfast | £41,610,939 | £4,924,459 | £9,683,636 | £56,219,034 | 1,730 |
| Northern | £20,093,745 | £2,319,177 | £3,263,689 | £25,676,612 | 516 |
| South Eastern | £30,876,484 | £2,616,931 | £4,398,332 | £37,891,746 | 546 |
| Southern | £18,423,158 | £1,801,304 | £4,237,928 | £24,462,390 | 519 |
| Western | £13,017,933 | £1,076,268 | £1,922,669 | £16,016,870 | 539 |
| Legacy HSSB | £15,014,369 | £666,154 | £1,449,842 | £17,130,365 | 108 |
| NIAS/NIBTS | £4,000 | £12,614 | £21,490 | £38,104 | 29 |
| Northern Ireland | £139,040,629 | £13,416,906 | £24,977,586 | £177,435,121 | 3,987 |

Table 16: Amount paid to date on cases open at any stage during 2021/22, by speciality

| Speciality | Damages Paid | Defence Costs Paid | Plaintiff Costs Paid | Total Amount Paid |
|-----------------------|---------------------|--------------------|----------------------|---------------------|
| Accident & Emergency | £14,336,676 | £1,455,382 | £2,533,767 | £18,325,825 |
| Cardiac Surgery | £814,624 | £105,274 | £286,156 | £1,206,054 |
| General Medicine | £1,679,628 | £659,046 | £565,050 | £2,903,723 |
| General Surgery | £2,834,457 | £551,346 | £933,910 | £4,319,712 |
| Gynaecology | £2,361,473 | £508,185 | £936,840 | £3,806,498 |
| Neurology | £3,251,648 | £522,210 | £562,413 | £4,336,271 |
| Obstetrics | £90,376,151 | £6,017,803 | £12,822,197 | £109,216,151 |
| Oncology | £947,034 | £196,527 | £312,255 | £1,455,816 |
| Paediatrics | £6,530,674 | £560,322 | £1,525,911 | £8,616,908 |
| Trauma & Orthopaedics | £3,543,763 | £652,595 | £1,050,551 | £5,246,909 |
| Unknown | £2,204,002 | £769,398 | £655,965 | £3,629,365 |
| Other | £10,160,500 | £1,418,820 | £2,792,571 | £14,371,890 |
| Total | £139,040,629 | £13,416,906 | £24,977,586 | £177,435,121 |

Table 17: Amount paid to date on cases open at any stage during 2021/22, by nature of alleged incident

| Nature of Incident Group | Damages Paid | Defence Costs Paid | Plaintiff Costs Paid | Total Amount Paid |
|-----------------------------------|---------------------|--------------------|----------------------|---------------------|
| Admissions/Referral | £2,797,350 | £156,743 | £246,584 | £3,200,677 |
| Assault (to patient & by patient) | £3,530 | £0 | £2,698 | £6,227 |
| Consent/Failure to warn | £199,500 | £113,311 | £154,267 | £467,079 |
| Diagnosis & Tests | £24,973,861 | £3,059,688 | £5,604,091 | £33,637,640 |
| Discharge | £16,318 | £4,938 | £10,914 | £32,170 |
| Facilities & Equipment | £80,665 | £42,264 | £50,171 | £173,100 |
| Infections | £948,630 | £203,330 | £49,868 | £1,201,828 |
| Level of Care/Supervision | £8,222,712 | £675,529 | £1,188,611 | £10,086,852 |
| Medication/Bloods/Fluids | £1,084,194 | £203,033 | £465,657 | £1,752,883 |
| Operation | £2,675,579 | £411,600 | £897,182 | £3,984,360 |
| Pregnancy/Childbirth | £60,038,915 | £4,197,927 | £8,147,857 | £72,384,700 |
| Treatment | £29,729,150 | £3,296,595 | £6,160,325 | £39,186,070 |
| Unexpected death | £285,000 | £86,843 | £29,629 | £401,472 |
| Other | £2,913,231 | £572,587 | £1,120,667 | £4,606,486 |
| Unknown | £5,071,993 | £392,518 | £849,064 | £6,313,575 |
| Total | £139,040,629 | £13,416,906 | £24,977,586 | £177,435,121 |

Table 18: Amount paid to date by periodical payment orders on cases open at any stage during 2021/22

| HSC Trust / Legacy HSS Board | Damages Paid | Defence Costs Paid | Plaintiff Costs Paid | Total Amount Paid | No. of PPOs |
|------------------------------|--------------------|--------------------|----------------------|--------------------|-------------|
| South Eastern | £21,893,564 | £1,458,501 | £3,107,957 | £26,460,022 | 10 |
| Southern | £14,252,990 | £778,263 | £2,215,745 | £17,246,999 | 7 |
| Northern Ireland | £36,146,554 | £2,236,764 | £5,323,702 | £43,707,021 | 17 |

Table 19: Cases closed by HSC Trust / Legacy HSS Board, by payments awarded (2021/22)

| HSC Trust/Legacy HSS Board | Closed Without Payment | | Closed With Payment | | Total Cases Closed |
|-------------------------------|------------------------|--------------|---------------------|--------------|--------------------|
| | No. | % | No. | % | |
| Belfast | 72 | 86.7% | 11 | 13.3% | 83 |
| Northern | 74 | 69.8% | 32 | 30.2% | 106 |
| South Eastern | 70 | 81.4% | 16 | 18.6% | 86 |
| Southern | 44 | 71.0% | 18 | 29.0% | 62 |
| Western | 41 | 75.9% | 13 | 24.1% | 54 |
| Legacy, NIAS & NIBTS | 9 | 81.8% | 2 | 18.2% | 11 |
| Northern Ireland Total | 310 | 77.1% | 92 | 22.9% | 402 |

Table 20: Amount paid on cases closed during 2021/22, by HSC Trust / Legacy HSS Board and type of payment

| HSC Trust / Legacy HSS Board | No. of Cases Closed | Damages Paid | Defence Costs Paid | Plaintiff Costs Paid | Total Amount Paid |
|------------------------------|---------------------|-------------------|--------------------|----------------------|-------------------|
| Belfast | 11 | £41,250 | £114,581 | £41,017 | £196,848 |
| Northern | 32 | £1,529,602 | £296,206 | £505,166 | £2,330,974 |
| South Eastern | 16 | £291,426 | £95,127 | £215,919 | £602,473 |
| Southern | 18 | £360,250 | £164,243 | £347,990 | £872,483 |
| Western | 13 | £354,750 | £79,120 | £285,946 | £719,816 |
| Legacy, NIAS & NIBTS | 2 | £0 | £0 | £0 | £0 |
| Northern Ireland | 92 | £2,577,278 | £749,277 | £1,396,039 | £4,722,593 |

Table 21: Cases with legal costs exceeding damages awarded closed during 2021/22, by HSC Trust / Legacy HSS Board ²⁰

| HSC Trust / Legacy HSS Board | No. Of Cases Closed | Damages | Legal Costs | Cost Difference |
|------------------------------|---------------------|-----------------|-------------------|------------------|
| Belfast | 11 | £41,250 | £155,598 | -£114,348 |
| Northern | 13 | £71,856 | £176,295 | -£104,439 |
| South Eastern | 9 | £157,150 | £243,243 | -£86,093 |
| Southern | 12 | £165,000 | £358,720 | -£193,720 |
| Western | 8 | £147,250 | £248,091 | -£100,841 |
| Legacy, NIAS & NIBTS | 1 | £4,000 | £29,442 | -£25,442 |
| Northern Ireland | 54 | £586,506 | £1,211,388 | -£624,882 |

Table 22: Amount paid on cases closed with no damages awarded during 2021/22, by HSC Trust / Legacy HSS Board and type of payment

| HSC Trust / Legacy HSS Board | No. of Cases Closed | Defence Costs Paid | Plaintiff Costs Paid | Total Amount Paid |
|------------------------------|---------------------|--------------------|----------------------|-------------------|
| Belfast | 9 | £92,780 | £155 | £92,936 |
| Northern | 8 | £31,457 | £0 | £31,457 |
| South Eastern | 0 | £0 | £0 | £0 |
| Southern | 5 | £39,722 | £0 | £39,722 |
| Western | 2 | £6,169 | £0 | £6,169 |
| Legacy, NIAS & NIBTS | 0 | £0 | £0 | £0 |
| Northern Ireland | 24 | £170,128 | £155 | £170,283 |

²⁰ In order to avoid personal disclosure an ‘**’ represents a cell count of less than 4. When the anonymised figure can be deduced from the totals, the next smallest figure was also anonymised.

Table 23: Cases open at any stage during the year by nature of incident group (2021/22) ²¹

| Nature of Incident Group | Belfast | Northern | South Eastern | Southern | Western | Legacy, NIAS & NIBTS | Total |
|-------------------------------------|--------------|------------|---------------|------------|------------|----------------------|--------------|
| Consent/Failure to warn | 22 | 3 | 4 | 23 | 6 | 0 | 58 |
| Diagnosis & Tests | 478 | 110 | 91 | 135 | 93 | 13 | 920 |
| Infections | 32 | 3 | 5 | 10 | 7 | 0 | 57 |
| Level of Care/Supervision/Follow-up | 97 | 13 | 42 | 30 | 16 | 1 | 199 |
| Medication/Bloods/Fluids | 53 | 18 | 26 | 10 | 4 | 2 | 113 |
| Operation | 79 | 17 | 15 | 39 | 37 | 3 | 190 |
| Pregnancy/Childbirth | 83 | 71 | 50 | 73 | 70 | 19 | 366 |
| Treatment | 560 | 101 | 214 | 95 | 191 | 5 | 1,166 |
| Other | 200 | 82 | 58 | 51 | 87 | 68 | 546 |
| Unknown | 126 | 98 | 41 | 53 | 28 | 26 | 372 |
| Total | 1,730 | 516 | 546 | 519 | 539 | 137 | 3,987 |

²¹ In order to avoid personal disclosure an ‘*’ represents a cell count of less than 4. When the anonymised figure can be deduced from the totals, the next smallest figure was also anonymised.

APPENDIX 1: TECHNICAL NOTES

This statistical release presents information on clinical/social care negligence cases open in Northern Ireland during the year ending 31st March 2022. Information was provided by all Health & Social Care (HSC) Trusts including the Northern Ireland Ambulance Service (NIAS), the Northern Ireland Blood Transfusion Service (NIBTS), Legacy HSS Boards and Agencies.

Data Collection

The information presented within this release is based on the quarterly CN1a and annual CN1 statistical returns. The CN1 statistical return was the first of two statistical returns introduced in June 2010 to monitor clinical/social care negligence cases in Northern Ireland. The CN1 return collects information on each case of clinical/social care negligence open during the year (1st April – 31st March). It details information on: the type of case, gender of patient, patient postcode, date of incident, date of case, date settled, date closed, specialty to which case is associated, nature of the incident, legal stage, outcome of the case, amount paid in damages, defence and plaintiff costs, date of birth and date of death if appropriate.

If no clinical/social care negligence cases were open at any time during the year, including those which were subsequently withdrawn or closed without payment of compensation against the HSC Trust, Legacy HSS Board or Agency, a nil return was submitted. For the 2021/22 CN1 return, a nil return was submitted by the Northern Ireland Guardian Ad Litem Agency (NIGALA).

The second of these statistical returns on clinical/social care negligence (CN1a) is collected on a quarterly basis and presents a summary of activity during each quarter. It details the number of cases open on the last day of the quarter, new cases opened, cases closed and financial payments made during the quarter.

Data providers are supplied with technical guidance documents outlining the methodologies that should be used in the collection, reporting and validation of each of these data returns. These documents can be accessed at the following link:

<https://www.health-ni.gov.uk/articles/clinical-negligence-statistics>

Rounding

Percentages and financial information have been rounded to one decimal place and as a consequence these may not sum to the totals.

Data Quality

The data featured in this release have been provided by HSC Trusts, Legacy HSS Boards and Agency information staff and have been validated by Hospital Information Branch (HIB) prior to release. HIB carried out a detailed series of validations to verify that information was consistent both within and across returns. Queries arising from validation checks were returned for clarification and if required returns were amended and/or re-submitted.

It is important to note that some cases will have been settled and/or closed since 31st March 2022 and these will be accounted for in the next publication, for 2022/23.

Main Uses of Data

The main uses of these data are to monitor and report the details of alleged clinical/social care negligence cases open at any stage during the year, for corporate monitoring, to inform and monitor related policy, and to respond to assembly questions and ad-hoc queries from the public.

Contextual Information

Readers should be aware that contextual information about Northern Ireland and the health services provided is available to read while using statistics from this publication.

This includes information on the current and future population, structures within the Health and Social Care system, the vision for future health services as well as targets and indicators. This information is available under the 'Guidance' tab at the following link:

<https://www.health-ni.gov.uk/articles/clinical-negligence-statistics>

APPENDIX 2: DEFINITIONS

1. Clinical/social care negligence:

For the purposes of this information collection, Clinical/Social Care Negligence is defined as:

“A breach of duty of care by members of the health care and social professions employed by HSC organisations or by others consequent on decisions or judgments made by members of those professions acting in the course of their employment, and which are admitted as negligent by the employer or determined as such through the legal process”.

2. Cases open

This refers to the total number of cases open on the last day of the financial year. An open case refers to all cases to which an official letter of notification of the intention to proceed with a case has been received and which had not been settled or closed by the last day of the year.

3. Cases settled

A settled case refers to any case settled that was not subsequently closed by the end of 2021/22. These cases may not be closed until the following year.

4. Cases closed during year

Cases closed during the year refers to the number of cases where the decision has been made to withdraw or not proceed with no money being awarded. It should also include cases where all monies awarded have been paid, and there is no longer any activity. A case is officially closed when DLS (Directorate of Legal Services) issue a letter that the case file has been closed.

5. New cases opened

This refers to any cases that were opened between 1st April 2021 and 31st March 2022.

6. Outcome unknown

Outcome unknown refers to cases where the outcome of the case was not recorded or there was no settled or closed date recorded.

7. Financial payments

Details the total amount paid during the quarter on: damages, plaintiff and defence costs.

8. Damages

Damages will include only costs associated with the case for damages and will exclude all costs associated with the Plaintiff and/or the Defence.

9. Defence costs

Defence costs should include the total of any Expert Reports, Costs of Junior Counsel, Senior Counsel, Loss Adjusters, Case Investigators, and any other defence costs.

10. Plaintiff costs

Plaintiff costs should include the Costs of Compensation Recovery Unit (CRU), Receipts, and any Third Party costs.

APPENDIX 3: NATURE OF INCIDENT

1. Application of excess force
2. Assault, Etc by Hospital staff
3. Bacterial Infection
4. Birth Defects
5. Clinical Trial
6. Cross Infection
7. Delay in Performing Operation
8. Diathermy Burns/reaction to prep agent
9. ECT Treatment
10. Equipment malfunction
11. Error with agent/dose/route/selection
12. Fail/delay treatment
13. Fail antenatal screening to detect congenital
14. Fail monitor dose/rate of syntocinon
15. Fail to act on abnormal blood test results
16. Fail to carry out Post Operative Observations
17. Fail to correctly apply forceps
18. Fail to diagnose pre-eclampsia
19. Fail to follow-up arrangements
20. Fail to inform test results
21. Fail to correctly interpret USS
22. Fail to make timely response to abnormal FHR
23. Fail to monitor 1st Stage labour
24. Fail to monitor 2nd Stage labour
25. Fail to recognise complication of treatment
26. Fail to supervise
27. Fail to warn (informed consent)
28. Fail/Delay admitting to hospital
29. Fail/Delay availability of SCBU beds
30. Fail/Delay availability of operating theatres
31. Fail/Delay obtain cord PH
32. Fail/Delay of availability of emergency anaesthetic
33. Fail/Delay referring to hospital
34. Fail/Delay resuscitation by paediatricians
35. Failed infection control policy/hospital hygiene
36. Failed sterilisation
37. Failure to interpret x-ray correctly
38. Failure to perform operation
39. Failure to perform tests
40. Failure to x-ray
41. Failure/Delay diagnosis
42. Forceps delivery
43. Foreign body left in situ
44. Hospital acquired infection
45. MRSA

46. Improper Delegation to unsupervised junior
47. Inadequate monitoring intra-operatively
48. Inadequate nursing care
49. Inadequate monitor in recovery room
50. Inappropriate use of forceps/ventouse
51. Inappropriate case selection
52. Inappropriate discharge
53. Inappropriate treatment
54. Incidents in community by absconded/discharge patient
55. Incorrect injection site
56. Infusion problems
57. Injured by another patient
58. Injury/harm to others by patient
59. Intra-operative problems
60. Intubation problems
61. Labial Tear
62. Lack of assistance/care
63. Lack of adequate Facilities/Equipment
64. Lack of pre-operative evaluation
65. Medication errors
66. Mendelsohn's syndrome
67. Not specified
68. Operate on wrong patient/body part
69. Operator error
70. Other
71. Performance Of operation that is not indicated
72. Perineal Tear-1st, 2nd, 3rd deg.
73. Poor application of plaster cast
74. Premature ceasure of treatment
75. Problem Blood/fluids
76. Problems with medical records
77. Re-canalisation
78. Removal & retention of organs
79. Repeated attempt forceps delivery and or ventouse
80. Self-harm
81. Sexual Abuse
82. Surgical Foreign body left in situ
83. Tooth Injury cases & patient positioning problem
84. Unexpected death
85. Unknown
86. Unlawful detention – mental health
87. Wrong application of electrode
88. Wrong diagnosis made
89. Pregnancy & childbirth

APPENDIX 4: GENERAL GROUP BY NATURE OF INCIDENT

Diagnosis & Tests

- 37. Failure to interpret x-ray correctly
- 39. Failure to perform tests
- 40. Failure to x-ray
- 41. Failure/Delay diagnosis
- 64. Lack of pre-operative evaluation
- 88. Wrong diagnosis made

Treatment

- 9. ECT Treatment
- 12. Fail/delay treatment
- 25. Fail to recognise complication of treatment
- 32. Fail/Delay of availability of emergency anaes
- 34. Fail/Delay resuscitation by paediatricians
- 53. Inappropriate treatment
- 55. Incorrect injection site
- 56. Infusion problems
- 73. Poor application of plaster cast
- 74. Premature ceasure of treatment
- 87. Wrong application of electrode

Operation

- 7. Delay in Performing Operation
- 8. Diathermy Burns/reaction to prep agent
- 36. Failed sterilisation
- 38. Failure to perform operation
- 43. Foreign body left in situ
- 59. Intra-operative problems
- 68. Operate on wrong patient/body part
- 69. Operator error
- 71. Performance Of operation that is not indicated
- 77. Re-canalisation
- 82. Surgical Foreign body left in situ

Pregnancy & Childbirth

- 4. Birth Defects
- 13. Fail antenatal screening to detect congenital
- 14. Fail monitor dose/rate of syntocinon
- 17. Fail to correctly apply forceps
- 18. Fail to diagnose pre-eclampsia
- 21. Fail to correctly interpret USS
- 22. Fail to make timely response to abnormal FHR
- 23. Fail to monitor 1st Stage labour

- 24. Fail to monitor 2nd Stage labour
- 31. Fail/Delay obtain cord PH
- 42. Forceps delivery
- 50. Inappropriate use of forceps/ventouse
- 61. Labial Tear
- 72. Perineal Tear-1st, 2nd, 3rd Deg
- 79. Repeated attempt forceps delivery and or ventouse
- 89. Pregnancy & childbirth

Level of Care/Supervision/Follow-up

- 15. Fail to act on abnormal blood test results
- 16. Fail to carry out Post-Operative Observations
- 19. Fail to follow-up arrangements
- 20. Fail to inform test results
- 26. Fail to supervise
- 46. Improper Delegation to unsupervised junior
- 47. Inadequate monitoring intra-operatively
- 48. Inadequate nursing care
- 49. Inadequate monitor in recovery room
- 62. Lack of assistance/care

Medication/Bloods/Fluids

- 11. Error with agent/dose/route/selection
- 65. Medication errors
- 75. Problem Blood/fluids

Infections

- 3. Bacterial Infection
- 6. Cross Infection
- 35. Failed infection control policy/hospital hygiene
- 44. Hospital acquired infection
- 45. MRSA

Consent/Failure to warn

- 27. Fail to warn (informed consent)

Facilities & Equipment

- 10. Equipment malfunction
- 63. Lack of adequate Facilities/Equipment

Assault (to patient & by patient)

- 57. Injured by another patient
- 58. Injury/harm to others by patient

Discharge

- 52. Inappropriate discharge

Admissions/Referral

- 28. Fail/Delay admitting to hospital
- 29. Fail/Delay availability of SCBU beds
- 30. Fail/Delay availability of operating theatres
- 33. Fail/Delay referring to hospital

Unexpected death

- 84. Unexpected death

Other

- 1. Application of excess force
- 2. Assault, etc. by Hospital staff
- 5. Clinical Trial
- 51. Inappropriate case selection
- 54. Incidents in community by absconded/discharge patient
- 60. Intubation problems
- 66. Mendelsohn's syndrome
- 67. Not specified
- 70. Other
- 76. Problems with medical records
- 78. Removal & retention of organs
- 80. Self-harm
- 81. Sexual Abuse
- 83. Tooth Injury cases & patient positioning problem
- 86. Unlawful detention – mental health

Unknown

- 85. Unknown

APPENDIX 5: CASE SPECIALTY

1. Accident & Emergency
2. Allied Health Professions
3. Anaesthetics & Pain Management
4. Blood Transfusion
5. Burns, Plastic and Maxillofacial Surgery
6. Cardiac Surgery
7. Cardiology
8. Child & Adolescent Psychiatry
9. Children and Young People Services
10. Clinical Genetics
11. Community Nursing/Midwives
12. Community Paediatrics
13. Day Care Services
14. Dentistry
15. Dermatology
16. Domiciliary Services
17. ENT
18. General Medicine
19. General Surgery
20. Genito-Urinary Medicine
21. Geriatric Medicine
22. Gynaecology
23. Haematology (Clinical)
24. Infectious Diseases
25. Joint Consultant Clinics
26. Learning Disability
27. Mental Health Acute
28. Mental Health Community
29. Neonatology
30. Nephrology
31. Neurology
32. Neurosurgery
33. Nuclear Medicine
34. Obstetrics
35. Occupational Health Medicine
36. Old Age Psychiatry
37. Oncology
38. Ophthalmology
39. Other
40. Paediatric Neurology
41. Paediatric Surgery
42. Paediatrics
43. Palliative Care
44. Pathology (Laboratory Services)
45. Pharmacology

46. Physical Disability/Sensory Support
47. Radiology
48. Rehabilitation
49. Residential Care
50. Supported Living
51. Thoracic Surgery
52. Trauma & Orthopaedics
53. Urology
54. Vascular
55. Unknown

APPENDIX 6: HOSPITAL INFORMATION BRANCH (HIB)

Hospital Information Branch is responsible for the collection, quality assurance, analysis and publication of timely and accurate information derived from a wide range of statistical information returns supplied by the Health & Social Care (HSC) Trusts and the HSC Board. Statistical information is collected routinely from a variety of electronic patient level administrative systems and pre-defined EXCEL survey return templates.

The Branch aims to present information in a meaningful way and provide advice on its uses to customers in the HSC Committee, Professional Advisory Groups, policy branches within the DoH, other Health organisations, academia, private sector organisations, charity/voluntary organisations as well as the general public. The statistical information collected is used to contribute to major exercises such as reporting on the performance of the HSC system, other comparative performance exercises, target setting and monitoring, development of service frameworks as well as policy formulation and evaluation. In addition, the information is used in response to a significantly high volume of Parliamentary / Assembly questions and ad-hoc queries each year.

Information is disseminated through a number of key statistical publications, including: Inpatient Activity, Outpatient Activity, Emergency Care, Mental Health & Learning Disability and Waiting Time Statistics (Inpatient, Outpatient, Diagnostics and Cancer). A detailed list of these publications is available from:

Website: <https://www.health-ni.gov.uk/topics/doh-statistics-and-research>

Further information on Clinical / Social Care Negligence Cases in Northern Ireland, is available from:

Jenni Donnelly

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This Statistical bulletin and others published by Hospital Information Branch are available to download from the DoH Internet site at:

Internet address: <https://www.health-ni.gov.uk/topics/doh-statistics-and-research>