

## **FOI 060/2025 Response**

### **Request**

**Dear Birmingham and Solihull Mental Health NHS Foundation Trust,**

**I am writing to request information under the Freedom of Information Act 2000 regarding your Trust's approach to organisational learning from medico-legal insights, specifically in relation to research conducted by Medical Negligence Assist and clinical negligence claims in mental health and psychiatry services.**

**Context: Research by Medical Negligence Assist and thematic reviews by NHS Resolution have highlighted recurring clinical failings, systemic weaknesses, and the need for robust organisational learning from legal cases in mental health trusts. Nationally, the period 2015–2025 has seen a shift towards transformative learning, strategic workforce development, and embedding evidence-based practice, with an emphasis on systemic risk management, quality investigations, and meaningful family involvement.**

**1. Organisational Briefings and Escalation Reports Please provide copies of any briefings, reports, or formal communications produced by or for your organisation regarding the research carried out by Medical Negligence Assist and/or NHS Resolution into mental health-related medico-legal cases and learning. This should include:**

- Any "Triple A" (Alert, Advise, Assure) escalation reports submitted by Non-Executive Director (NED) Chairs from the Board Committee on Quality and Safety, or equivalent, to the Board ( if these are embedded in board reports bundles , please kindly provide online links to the respective reports)**
- Any stand-alone reports or briefings from the Executive or Medical Directors (or those accountable for medico-legal clinical insights) submitted to the Board regarding this research by Medical Negligence Assist and/or NHS Resolution into mental health-related medico-legal cases and learning.**

**Although we are aware of the findings from NHS Resolution reports, we do not have any briefings or escalated reports.**

### **2. Thematic and Trends Analysis Reports**

**Please provide any annual or stand-alone thematic analysis and trends analysis reports commissioned by Executive Leads or the Board regarding organisational learning from medico-legal insight data for your Trust, for the five-year period up to April 2024. This should include analysis of recurring themes (e.g., risk assessment, communication failures, family involvement), and any evidence of how learning from legal cases has informed workforce development, training, or changes in clinical practice.**

**Although the Trust look at Thematic and Trends Analysis, we do not produce any reports.**

**However, we do routinely review external publications to map against our own internal learning to see if there are areas we need to take into consideration.**

**An example of this is the recently published HSSIB review.**

**3. Data on Clinical Claims and Incidents (January 2015 – January 2021)**

**a) Please provide the number of clinical claims and incidents of alleged negligence involving mental health or psychiatry lodged against your Trust via NHS Resolution for the period January 2015 to January 2021.**

**b) Please provide this data in a tabular format, showing for each year:**

- The total number of incidents and claims
- Number of settled claims
- Number of unsettled claims
- The corresponding amount of damages paid out

**c) Please provide a breakdown of the leading causes of mental health and psychiatry negligence claims, as well as the leading types of injuries or harm alleged in these claims.**

The Trust is unable to provide the requested information.

This is because we do not have the information readily captured within a case management system.

Obtaining the requested information will require exhaustive and manual searches through large cohort of data.

This therefore exceeds the threshold to carry put this task, and we rely on exemption section 12 of the Freedom of Information Act 2000 to deny this aspect of your request.

However, we can advise that the requested information can be sought from NHS Resolution.

**4. Transformative Learning and Quality Improvement Please provide any documentation or information evidence of:**

• How the Trust has used claims data, thematic analysis, or legal case insights to drive quality improvement, workforce development, or changes in risk management processes. For the period 2020 to 2025

• Any information details on initiatives or pilots (e.g., new training routes, family involvement in investigations, reflective practice programmes) introduced as a result of learning from medico-legal cases.

• Any information detail on Mechanisms for tracking and assuring the implementation of recommendations from SI investigations and organisational thematic reviews and briefings regarding trends analysis and cost implication of medical legal cases for this period .

As noted in question 2, although we are aware of the findings from NHS Resolution reports, we do not have any briefings on their findings, and therefore there is no specific or direct QI initiatives or pilots.

However, some teams may have been inspired to complete QI associated streams for improvement work via a third party.

For an example of this, please see below, a slide from a recent QI presentation from March 2025 .

