Electronic supplementary materials

Table S1: DCE attributes

Factor	Attribute	No of levels
Apology	• You received an **appropriate apology and explanation** from those responsible for the incident • You did **not receive an apology or explanation**	2
Investigation and prevention	• A detailed investigation **was carried out**, You were **satisfied** that the NHS had taken appropriate measures to prevent this incident from happening again • A detailed investigation **was carried out**, You were **not satisfied** that the NHS had taken appropriate measures to prevent this incident from happening again • A detailed investigation **was not carried out**, You were **not satisfied** that the NHS had taken appropriate measures to prevent this incident from happening again	3
Holding to account	• The claim process will **hold those responsible for the incident to account** • The claim process will **not hold those responsible for the incident to account**	2
Difficulty	• Making a claim is **easy and straightforward** • Making a claim is **complicated and a hassle**	2
Length of claim process	• After submitting your claim, it will ***take 1, 3 or 5 years*** to receive a decision for low impact route and **3,6,10** for severe impact route	3
Chance of compensation	There is a **high** chance you will get compensation There is a **low** chance you will get compensation You **do not know** how likely you are to get compensation	3
Amount of compensation	The compensation levels for: Low impact route: ***£5k, £10k, £25k, £100k,*** Severe impact route***: 100k, £250k, £500k, £1m***	4
Scheme	The claim involves taking **legal action** against the NHS The claim is made by completing an application to a **government compensation scheme**	2

There were two minor changes in the wording from the general population survey. First, an additional level '*You do not know how likely you are to get compensation' was* added to the attribute 'chance of compensation' to reflect the uncertainty surrounding this attribute. Second, the word non-legal was deleted from the attribute 'scheme' as participants felt the word non-legal was not helpful and could be mistaken to mean illegal.

Table S2: List of interactions considered in the design of the DCE

	Attribute 1	Attribute 2
1	Apology	Investigation and prevention
2	Apology	Holding to account
3	Investigation and prevention	Holding to account
4	Chance of compensation	Amount of compensation
5	Difficulty of claiming	Scheme (government versus legal)
6	Length of Process	Scheme

Table S3 Logistic regression model results

Attributes	Coefficients		Marginal effects	
	Low impact route	**Severe impact route**	**Low impact route**	**Severe impact route**
Did not receive apology				
Received apology	-0.416***	-0.258***	-0.0980***	-0.0586***
	(0.0617)	(0.0799)	(0.0149)	(0.0183)
Not investigated & no prevention				
Investigated & no prevention	-0.144**	-0.0506	-0.0350**	-0.0118
	(0.0685)	(0.0961)	(0.0166)	(0.0225)
Investigated & prevention	-0.629***	-0.544***	-0.144***	-0.118***
	(0.0785)	(0.109)	(0.0183)	(0.0239)
Not accountable				
Hold to account	0.158***	0.205**	0.0392***	0.0494**
	(0.0570)	(0.0811)	(0.0141)	(0.0195)
Complicated and a hassle				
Easy and straightforward	0.197***	0.319***	0.0488***	0.0776***
	(0.0560)	(0.0850)	(0.0138)	(0.0207)
Time to decision =5 years				
Time to decision = 3 years	0.0689		0.0170	
	(0.0657)		(0.0162)	
Time to decision = 1 year	0.288***		0.0715***	
	(0.0728)		(0.0180)	
Chance = low				
Chance = do not know	0.224***	0.210**	0.0557***	0.0507**
	(0.0687)	(0.0917)	(0.0170)	(0.0220)
Chance = high chance	0.602***	0.604***	0.149***	0.149***
	(0.0829)	(0.106)	(0.0203)	(0.0259)
Amount = £5000				
Amount = £10,000	0.215***		0.0534***	
	(0.0783)		(0.0194)	
Amount = £25,000	0.480***		0.119***	
	(0.0817)		(0.0201)	
Amount = £100,000	0.657***		0.163***	
	(0.0839)		(0.0204)	
Legal scheme				
Government compensation scheme	0.0999*	0.155*	0.0247*	0.0371*
	(0.0589)	(0.0834)	(0.0145)	(0.0200)
Time to decision = 10 years				
Time = 6 years		0.302***		0.0732***
		(0.0978)		(0.0238)
Time = 3 years		0.597***		0.147***
		(0.0985)		(0.0240)
Amount = £100,000				
Amount = £250,000		0.265**		0.0640**
		(0.108)		(0.0260)
Amount = £500,000		0.182*		0.0438*
		(0.101)		(0.0244)

Amount = £1 million		0.364***		0.0888***
		(0.119)		(0.0291)
Constant	-0.269**	-0.487***		
	(0.123)	(0.162)		
Observations	5,464	2,768	5,464	2,768
Log likelihood	-3596	-1813		
Rho-squared	0.0443	0.0442		

Note: Robust standard errors in parentheses; *** p<0.01, ** p<0.05, * p<0.1

Each attribute is compared to a reference/base level which is highlighted in italics. Positive (negative) coefficients show attributes that increase (decrease) the likelihood of respondents making a claim.

Marginal effects are presented to enable comparisons of the two routes in a standardised scale. Marginal effects show the increased or decreased probability to claim for each attribute level, compared to a base case scenario. In the base case scenario the respondents did not receive an apology or explanation; a detailed investigation was not carried out and they were not satisfied that the NHS had taken appropriate measures to prevent this incident from happening again; the claim process will not hold those responsible for the incident to account; making a claim is complicated and a hassle; it will take 5 years (low impact route)/10 year (severe impact route) to receive a decision; there is a low chance of getting compensation; the compensation was £5,000 (low impact route)/£100k (severe impact route); claim is made using the legal scheme.

Table S4: Low impact route mixed logit model results

	Mixed logit Coefficient (SE)	Standard deviation (SE)
Constant	-0.846* (0.342)	3.417*** (0.368)
Did not receive apology		
Received apology	-1.160*** (0.183)	-1.425*** (0.431)
Not investigated & no prevention		
Investigated & no prevention	-0.573*** (0.158)	0.276 (1.103)
Investigated & prevention	-1.871*** (0.268)	2.400*** (0.382)
Not accountable		
Hold to account	0.450** (0.138)	-0.668 (0.775)
Complicated and a hassle		
Easy and straightforward	0.586*** (0.157)	1.095* (0.541)
Time to decision =5 years		
Time - 3 years	0.149 (0.148)	-0.092 (0.158)
Time -1 year	0.761*** (0.187)	-1.284*** (0.381)
Chance = low		
Chance - do not know	0.690*** (0.174)	-0.564* (0.224)
Chance -high chance	1.863*** (0.280)	2.533*** (0.481)
Compensation amount = £5000		
Compensation £10000	0.566** (0.179)	-0.868* (0.372)
Compensation £25000	1.302*** (0.214)	-1.445*** (0.354)
Compensation £100000	2.021*** (0.304)	-2.131*** (0.406)
Government scheme	0.342* (0.143)	1.314*** (0.327)
Observations	10928	
Log-likelihood	-2846.86	
Standard errors in parentheses; $^{*}\,p < 0.05$, $^{**}\,p < 0.01$, $^{***}\,p < 0.001$		

Table S5: Severe impact route mixed logit model results

	Mixed logit Coefficient (SE)	Standard deviation (SE)
Constant	-1.388* (0.588)	5.000*** (1.457)
Did not receive apology		
Received apology	-1.405** (0.510)	1.726* (0.848)
Not investigated & no prevention		
Investigated & no prevention	-0.197 (0.320)	-0.581 (0.486)
Investigated & prevention	-2.088** (0.681)	3.459* (1.406)
Not accountable		
Hold to account	0.719* (0.356)	2.091** (0.720)
Complicated and a hassle		
Easy and straightforward	1.135* (0.441)	2.313** (0.778)
Time to decision =10 years		
Time - 6 years	0.968** (0.342)	-1.904* (0.925)
Time - 3 years	2.144*** (0.603)	-2.431* (1.007)
Chance = low		
Chance - do not know	0.585 (0.355)	-0.898 (1.056)
Chance -high chance	2.530** (0.898)	1.359 (0.719)
Compensation amount=£100,000		
Compensation £250000	0.433 (0.334)	0.344 (0.853)
Compensation £500000	0.721* (0.351)	-0.831 (1.695)
Compensation £1 million	1.620** (0.592)	-2.015 (1.061)
Legal scheme		
Government scheme	0.813* (0.364)	-1.369* (0.685)
Observations	5536	
Log-likelihood	-1310.16	

Standard errors in parentheses; * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table S6: Latent class model results

	Low impact route			Severe impact route	
	Class 1	Class 2	Class 3	Class 1	Class 2
Constant	-6.675**	3.590**	-0.619***	-3.600***	0.339
	(2.058)	(1.194)	(0.159)	(0.571)	(0.222)
Did not receive apology					
Received apology	0.322	-2.131*	-0.638***	-0.450	-0.557***
	(0.835)	(0.986)	(0.081)	(0.268)	(0.121)
Not investigated & no prevention					
Investigated & no prevention	-1.203	-0.764	-0.260**	0.144	-0.170
	(0.861)	(0.772)	(0.097)	(0.344)	(0.157)
Investigated & prevention	-1.160	-1.596*	-1.061***	-0.409	-0.962***
	(0.738)	(0.715)	(0.098)	(0.358)	(0.147)
Not accountable					
Hold to account	0.738	0.629	0.265***	0.121	0.220
	(0.644)	(0.523)	(0.079)	(0.263)	(0.118)
Complicated and a hassle					
Easy and straightforward	2.049	0.608	0.254**	-0.016	0.551***
	(1.162)	(0.493)	(0.080)	(0.302)	(0.120)
Time to decision =5 years					
Time to decision = 3 years	1.191	0.741	0.022		
	(1.057)	(0.624)	(0.096)		
Time to decision = 1 year	1.725	0.404	0.445***		
	(1.253)	(0.564)	(0.098)		
Chance = low					
Chance = do not know	0.569	-0.260	0.420***	0.047	0.391**
	(0.829)	(0.599)	(0.094)	(0.343)	(0.133)
Chance = high chance	1.013	0.852	1.039***	0.734*	1.023***
	(0.874)	(0.698)	(0.103)	(0.348)	(0.157)
Compensation amount = £5000					
Amount = £10,000	-0.544	1.396	0.365**		
	(1.000)	(0.950)	(0.114)		
Amount = £25,000	1.612	0.708	0.737***		
	(0.991)	(0.531)	(0.113)		
Amount = £100,000	0.219	2.867**	1.045***		
	(0.901)	(0.994)	(0.116)		
Legal scheme					
Government compensation scheme	-0.614	0.292	0.207**	0.167	0.325**
	(0.818)	(0.501)	(0.080)	(0.260)	(0.121)
Time to decision =10 years					
Time to decision = 6 years				0.472	0.564***
				(0.407)	(0.146)
Time to decision = 3 years				1.814***	0.639***
				(0.401)	(0.145)
Compensation amount=£100,000					
Amount=£250000				0.649	0.183
				(0.390)	(0.164)

Amount=£500000				0.370 (0.374)	0.184 (0.159)
Amount=£1 million				0.734* (0.374)	0.600*** (0.175)
Probability of belonging to:	0.160*** (0.017)	0.235*** (0.024)	0.605*** (0.025)	0.302*** (.029)	0.698*** (.029)
Observations	10928			5536	
BIC	6064.678			3006.53	
CAIC	6108.678			3035.53	
Note: Standard errors in parentheses; * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$					

Table S7: Latent class model for severe impact route with task non-attendance class

	Class 1	Class 2	Class 3 (task non-attendance)
Constant	-4.280***	0.600	0.000
	(0.947)	(0.341)	(.)
Did not receive apology			
Received apology	-0.606	-0.622***	0.000
	(0.405)	(0.165)	(.)
Not investigated & no prevention			
Investigated & no prevention	-0.118	-0.294	0.000
	(0.495)	(0.225)	(.)
Investigated & prevention	-0.653	-1.294***	0.000
	(0.505)	(0.254)	(.)
Not accountable			
Hold to account	0.052	0.332	0.000
	(0.370)	(0.180)	(.)
Complicated and a hassle			
Easy and straightforward	-0.010	0.690***	0.000
	(0.410)	(0.187)	(.)
Time to decision =10 years			
Time - 6 years	0.806	0.937***	0.000
	(0.700)	(0.270)	(.)
Time - 3 years	2.329**	0.769***	0.000
	(0.717)	(0.198)	(.)
Chance = low			
Chance - do not know	0.196	0.446*	0.000
	(0.476)	(0.175)	(.)
Chance -high chance	1.148*	1.079***	0.000
	(0.533)	(0.224)	(.)
Compensation amount=£100,000			
Compensation £250000	0.688	0.314	0.000
	(0.550)	(0.233)	(.)
Compensation £500000	0.294	0.124	0.000
	(0.515)	(0.209)	(.)
Compensation £1 million	0.696	0.697**	0.000
	(0.508)	(0.263)	(.)
Legal scheme			
Government scheme	0.070	0.281	0.000
	(0.376)	(0.182)	(.)
Probability of belonging to:	0.261***	0.565***	0.173*
	(0.318)	(0.060)	(0. 072)
Observations	5536		
Log-likelihood	-1413.83		
BIC	3003.06		
CAIC	3033.06		
Note: Standard errors in parentheses; * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$			

Table S8: Additional sociodemographic characteristics and details of the PSI

	Full sample (N=1029)		Low impact route (N=683)		Severe impact route (N=346)	
	N	%	N	%	N	%
Marital status						
Married/Partner	763	74.10	515	75.40	248	71.70
Single	208	20.20	136	19.90	72	20.80
Divorced	31	3.00	18	2.60	13	3.80
Separated	12	1.20	6	0.90	7	2.00
Widowed	11	1.10	5	0.70	5	1.40
Prefer not to say	4	0.40	3	0.40	1	0.30
Annual household income before tax (including benefits)						
Prefer not to say	82	8.00	49	7.20	33	9.50
Up to £5,199	11	1.10	7	1.00	4	1.20
£5,200 and up to £10,399	35	3.40	24	3.50	11	3.20
£10,400 and up to £15,599	67	6.50	45	6.60	22	6.40
£15,600 and up to £20,799	72	7.00	43	6.30	29	8.40
£20,800 and up to £25,999	116	11.30	75	11.00	41	11.80
£26,000 and up to £31,199	122	11.90	76	11.10	46	13.30
£31,200 and up to £36,399	95	9.20	67	9.80	28	8.10
£36,400 and up to £51,999	239	23.20	163	23.90	76	22.00
£52,000 and above	190	18.50	134	19.60	56	16.20
General health						
Excellent	171	16.60	138	20.20	33	9.50
Very good	387	37.60	270	39.50	117	33.80
Good	287	27.90	183	26.80	104	30.10
Fair	145	14.10	76	11.10	69	19.90
Poor	39	3.80	16	2.30	23	6.60
How long ago did this incident happen?						
Up to 3 years ago	472	45.90	306	44.80	166	48.00
Between 3 - 5 years ago	346	33.60	249	36.50	97	28.00
More than 5 years ago	211	20.50	128	18.70	83	24.00
How old (approximately) was the person receiving treatment at the time the harm was experienced?						
< 1 year	28	2.70	24	3.50	4	1.20
1-18	131	12.70	88	12.90	43	12.40
19-35	340	33.00	244	35.70	96	27.70
36-64	366	35.60	228	33.40	138	39.90
65-85	155	15.10	95	13.90	60	17.30
86 and over	9	0.90	4	0.60	5	1.40
How long did the person who was harmed have to take off work?						
Had to take up to a month off work	219	45.60	179	53.40	40	27.60
Had to take between 2 months to a year off work	204	42.50	135	40.30	69	47.60
Had to take more than a year off work	40	8.30	10	3.00	30	20.70
Unsure	17	3.50	11	3.30	6	4.10
Did you or the person receiving treatment receive an apology or explanation from the NHS?						
No	493	47.90	300	43.90	193	55.80

Yes	439	42.70	319	46.70	120	34.70
Unsure	97	9.40	64	9.40	33	9.50
If yes, how satisfied were you or your immediate family with the apology or explanation given?						
Not satisfied at all	63	14.40	36	11.30	27	22.50
Partially satisfied	218	49.70	156	48.90	62	51.70
Totally satisfied	158	36.00	127	39.80	31	25.80
Did the NHS inform you or your immediate family that an investigation was carried out?						
No	553	53.70	344	50.40	209	60.40
Yes	366	35.60	259	37.90	107	30.90
Unsure	110	10.70	80	11.70	30	8.70
If yes, how satisfied were you or your immediate family with the outcome of the investigation (i.e. the NHS had taken appropriate measures to prevent this incident from happening again)?						
Not satisfied at all	59	16.10	33	12.70	26	24.30
Partially satisfied	145	39.60	98	37.80	47	43.90
Totally satisfied	162	44.30	128	49.40	34	31.80
Did you or your immediate family make a complaint?						
No	409	39.70	287	42.00	122	35.30
Yes	539	52.40	339	49.60	200	57.80
Unsure	81	7.90	57	8.30	24	6.90
How did you make a complaint? Tick all that apply						
Complained to the hospital/GP	423	52.81	268	39.24	155	44.80
Complained to PALS (Patient Advice and Liaison Service)	224	27.97	135	19.77	89	25.72
Complained to the government	125	15.61	89	13.03	36	10.40
Another way	29	3.62	11	1.61	18	5.20
How satisfied were you or your immediate family with the outcome of the complaint made to PALS (Patient Advice and Liaison Service)?						
Not satisfied at all	61	27.20	26	19.30	35	39.30
Partially satisfied	69	30.80	42	31.10	27	30.30
Totally satisfied	94	42.00	67	49.60	27	30.30
How satisfied were you or your immediate family with the outcome of the complaint made to the hospital/GP?						
Not satisfied at all	155	36.60	77	28.70	78	50.30
Partially satisfied	146	34.50	91	34.00	55	35.50
Totally satisfied	122	28.80	100	37.30	22	14.20
How satisfied were you or your immediate family with the outcome of the complaint made to the government?						
Not satisfied at all	13	10.40	6	6.70	7	19.40
Partially satisfied	38	30.40	25	28.10	13	36.10
Totally satisfied	74	59.20	58	65.20	16	44.40
Have you or your immediate family made a legal claim?						
No, have not or will not make a claim	569	55.30	385	56.40	184	53.20
Yes, have made a claim	228	22.20	136	19.90	92	26.60
Yet to make a claim	167	16.20	116	17.00	51	14.70
Unsure	65	6.30	46	6.70	19	5.50
Would you ever make a claim for compensation against the NHS? [Participants only answered this question if they have not made a claim]						
Don't know/ It depends	210	36.90	137	35.60	73	39.70
No	247	43.40	171	44.40	76	41.30

	n	%	n	%	n	%
Yes	112	19.70	77	20.00	35	19.00
Please select the appropriate reasons for not pursuing legal action (tick all that apply) [Participants only answered this question if they have not made a claim]						
I did not want to pursue a legal claim against the NHS	197	15.26	137	20.06	60	17.34
I did not want NHS funds to be used in this way	196	15.18	127	18.59	69	19.94
I did not want the hassle	180	13.94	121	17.72	59	17.05
It could be too costly to me	126	9.76	76	11.13	50	14.45
It could be too time-consuming	112	8.68	77	11.27	35	10.12
I did not know how to go about it	111	8.60	70	10.25	41	11.85
It did not occur to me	98	7.59	65	9.52	33	9.54
I did not feel financial compensation was justified	90	6.97	66	9.66	24	6.94
I felt intimidated	81	6.27	49	7.17	32	9.25
I did not have a strong case (e.g. through legal advice)	52	4.03	32	4.69	20	5.78
I have not got round to it	30	2.32	25	3.66	5	1.45
How satisfied were you or your immediate family with the outcome of the legal action you took? [Participants only answered this question if they have made a claim]						
Not satisfied at all	29	12.70	9	6.60	20	21.70
Partially satisfied	74	32.50	37	27.20	37	40.20
Totally satisfied	125	54.80	90	66.20	35	38.00
What is the lowest amount that would be reasonable to compensate you and your immediate family for the incident that happened? [Participants only answered this question if they have made a claim]						
I didn't want any financial compensation	11	4.80	7	5.10	4	4.30
Up to £5000	15	6.60	11	8.10	4	4.30
£5,001 to £25,000	32	14.00	23	16.90	9	9.80
£25,001 to £50,000	42	18.40	27	19.90	15	16.30
£50,001 to £100,000	45	19.70	20	14.70	25	27.20
£100,001 to £500,000	26	11.40	15	11.00	11	12.00
£500,001 to £1 million	24	10.50	17	12.50	7	7.60
Over £1 million	6	2.60	4	2.90	2	2.20
No amount of compensation could ever be sufficient	13	5.70	8	5.90	5	5.40
Don't know	14	6.10	4	2.90	10	10.90
What were the most important factors that led you to take legal action? (tick all that apply) [Participants only answered this question if they have made a claim]						
The incident had too much of an impact	128	16.56	70	10.25	58	16.76
To hold the NHS to account	111	14.36	64	9.37	47	13.58
I thought this was the only way to obtain answers about how and why the harm happened	99	12.81	62	9.08	37	10.69
I was told I had a high chance of obtaining financial compensation	89	11.51	51	7.47	38	10.98
I did not receive an acknowledgment that the harm happened	79	10.22	52	7.61	27	7.80
The apology was unsatisfactory	78	10.09	40	5.86	38	10.98
The investigation was unsatisfactory	69	8.93	41	6.00	28	8.09

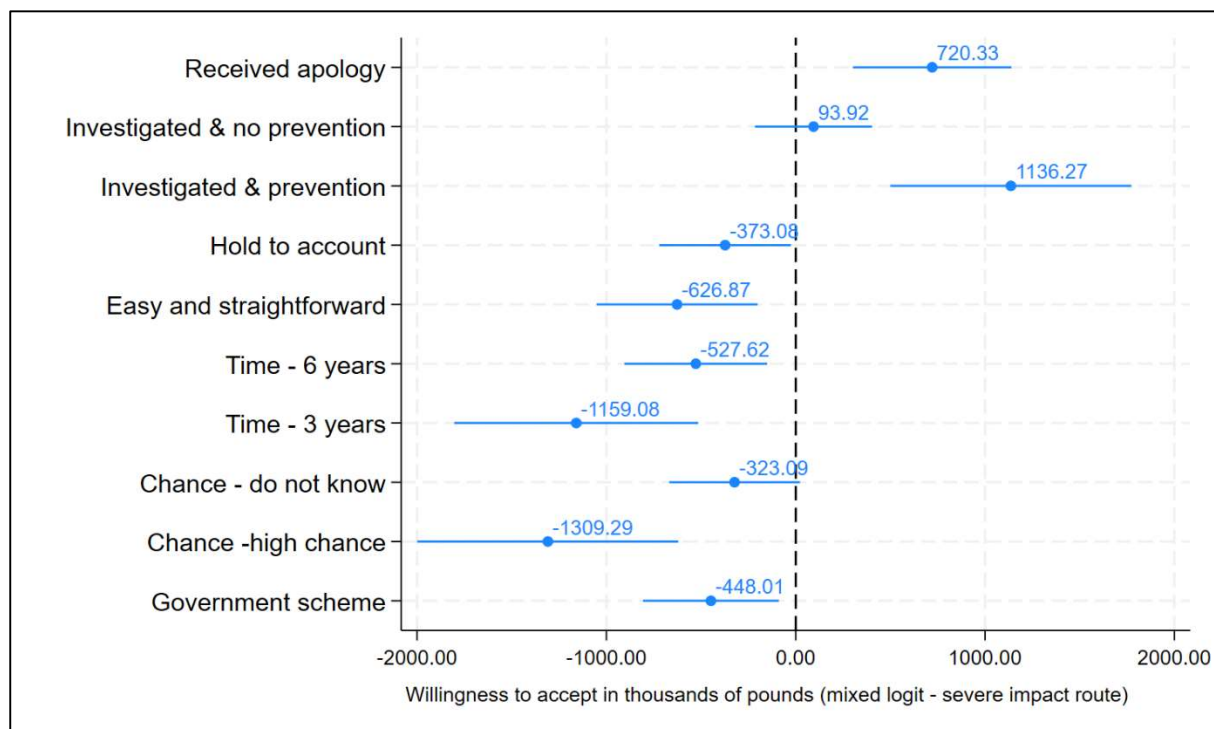|						
I did not receive an apology	66	8.54	35	5.12	31	8.96
No investigation was carried out	51	6.60	30	4.39	21	6.07
After the incident, what could the NHS have done to prevent you from taking legal action (tick all that apply) [Participants only answered this question if they have made a claim]						
Provide an appropriate apology and explanation from those responsible for the incident	126	17.19	79	11.57	47	13.58
Take appropriate measures to prevent this type of incident from happening again	125	17.05	71	10.40	54	15.61
Been more upfront and honest about what happened	117	15.96	68	9.96	49	14.16
Hold those responsible for the incident to account	116	15.83	66	9.66	50	14.45
Carry out a satisfactory investigation	113	15.42	65	9.52	48	13.87
Provide support to cope with the effects of the harm	113	15.42	65	9.52	48	13.87
Nothing could be done	20	2.73	8	1.17	12	3.47
Would you have still made a legal claim if the NHS handled your complaint appropriately [participants only answered this question if they both made a complaint and claim]						
No	31	14.70	16	12.70	15	17.60
Yes	148	70.10	98	77.80	50	58.80
Unsure	32	15.20	12	9.50	20	23.50

Figure S1: WTA results of the mixed logit model for severe impact route.