



Resolution

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October 2023
FOI_6217

The following information was requested on 3 October 2023:

Follow up to: [FOI 6133 Countess-of-Chester-NHS-FT final.pdf \(resolution.nhs.uk\)](#)

Please can you clarify:

**Precisely how many claims are there for cases where Lucy Letby was involved?*

**Are these claims included in the information which has been provided in Tables 1-3?*

**Will the information be publicly available from May 2024?*

Our Response

In response to: *Precisely how many claims are there for cases where Lucy Letby was involved?*

Fewer than five claims were received in the financial years **prior** to 2023/24. Please refer to our low numbers refusal notice below for further explanation as to why we cannot provide the precise figure.

We have logged additional claims in this current financial year, but as we report in complete financial years this information is currently unavailable as it will be incomplete. This information will be available on request from May 2024. Therefore, we are unable to provide you with the precise number of claims for Lucy Letby.

In response to: *Are these claims included in the information which has been provided in Tables 1-3?* [reference to [FOI 6133 Countess-of-Chester-NHS-FT final.pdf \(resolution.nhs.uk\)](#)]

Yes. Please refer to the above explanation.

In response to: *Will the information be publicly available from May 2024?*

This information will be available on request.

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 Freedom of Information Act, where disclosure to a member of the public would contravene one or more of the data protection principles. The data protection principles are set out in Article 5 of the General Data Protection Regulation. We take the view that it would not be fair or lawful (given the sensitive and confidential nature of the information held) to disclose such information, and any disclosure would therefore contravene the first data protection principle.

In some instances, the low numbers of claims (fewer than 5) in each category, the likelihood exists that individuals who are the subject of this information may be identified either from this information alone, or in combination with other available information. In addition to this, as this information is considered to be sensitive personal data (the data subjects' medical condition); NHS Resolution believes it has a greater responsibility to protect those individuals' identities, as disclosure could potentially cause damage and/or distress to those involved.

Further to our obligations to provide advice and assistance, you may find it helpful to review the work of the [Getting It Right First Time team](#) with whom NHS Resolution has been working with to undertake in-depth analysis of our claims data. They have produced a number of [reports](#) from analysing our claims data, which has been shared following approval of the confidentiality advisory group to the use of confidential patient information for this purpose.

If you would like to know how data is categorised in our Claims database please see the following link: [Glossary](#)

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

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