NHS Resolution

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December 2023
FOI_6255

The following information was requested on 27 October 2023:

Can you please provide information on the following:

1. How much was paid out in in (£) relating to lost or stolen patient property claims from NHS Trusts between 2018-2023 inclusive

Our Response

We only hold claims data for England (our schemes only cover England), not the UK.

NB: We have recently changed the way we report on our FOIs to align better with our published documents. Streamlining our reporting on FOIs with our annual published reports may mean a variation in snapshot dates. This means this data may not align with previous similar requests and it may not be possible for you to compare this information with a previous request. For further information, please refer to https://resolution.nhs.uk/resources/understanding-nhs-resolution-data.

Please find attached the information we are able to provide. We have extracted the relevant information from our LTPS Public Liability scheme. Please note that these claims will not only cover patient lost or stolen property, but it will also include that of visitors.

LTPS Scheme
NHS Resolution manages a number of risk-pooling schemes (similar to insurance) for the NHS, one of which is the Liability to Third Parties Scheme (LTPS). This covers both employers' liability (**EL**) (i.e. in relation to duties of care owed to employees) and public liability (**PL**) (i.e. in relation to duties of care owed other patients, visitors and other members of the public). You can find out more about the LTPS scheme here: Liabilities to Third Parties Scheme - NHS Resolution

Please note claims notified/received and open are not guaranteed to be settled in the same year and can take many years to be concluded. Claims notified/received in any given year will often relate to incidents that have occurred many years prior. Due to the nature of negligence claims and the level of investigation needed to bring them to a resolution, claims received and notified in a specific year may take years to settle.

Therefore, the tables that shows the number of claims **notified/received** during the financial years specified in your request will not correlate with the tables that show the number of claims **closed** in the same time period.

Due to the way in which the data is extracted, it is also possible that the same claim may appear more than once in a claims volume dataset, across different year groups e.g., where the case has been closed (as unsuccessful), challenged, reopened and closed again at conclusion.

Please **find attached** the following tables**:**

Table 1 shows – Number and Cost of LTPS, Public Liability Claims Closed between financial years 2017/18 and 2022/23, with a damages payment where at least one of the Cause codes is 'Theft/Criminal Damage'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

Table 2 shows: - Number and Cost of LTPS, Public Liability Claims Closed between financial years 2017/18 and 2022/23 with **NIL** damages paid, where at least one of the Cause codes is 'Theft/Criminal Damage'. The data includes the legal costs paid up until the end of each relevant financial year of closure.

Low Numbers -
We have supressed low figures as we believe that disclosure of information with this level of granularity is exempt under Section 40(2) by virtue of section 40(3A)(a) of the FOI Act, where disclosure to a member of the public would contravene one or more of the data protection principles. The data protection principles are set out in Article 5 of the General Data Protection Regulation. We take the view that it would not be fair or lawful (given the sensitive and confidential nature of the information held) to disclose such information, and any disclosure would therefore contravene the first data protection principle.

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

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

https://ico.org.uk/

Freedom of Information Request# 6255
Data correct as at: The end of every financial year

NHS Resolution

T A B L E O F C O N T E N T S

NB: Number of claims fewer than 5 (and any associated values, within the same row) are masked with a "#" (in accordance with Data Protection guidelines). Accordingly, some total values may also be approximated to prevent masked values to be deduced through reverse calculation.

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Table 1: Number and Cost of LTPS Public Liability Claims Closed with a damages payment between financial years 2017/18 and 2022/23, where at least one of the Cause codes is 'Theft/Criminal Damage'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

scheme	LTPS
FOI View	Closed Settled
Claim_Outcome	Successful

Year of Closure	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid
2017/18	#	#	#	#
2018/19	7	14,794	#	#
2019/20	7	66,915	5,271	0
2020/21	#	#	#	0
2021/22	7	52,299	5,030	#
2022/23	9	72,744	6,656	16,954
Grand Total	**36**	**270,412**	**23,360**	**21,908**

Freedom of Information Request#
Data correct as at: The end of every financial year

Table 2: Number and Cost of LTPS Public Liability Claims Closed between financial years 2017/18 and 2022/23 with NIL damages paid, where at least one of the Cause codes is 'Theft/Criminal Damage'. The data includes the legal costs paid up until the end of each relevant financial year of closure.

FOI View	Closed Settled
scheme	LTPS
Claim_Outcome	Unsuccessful

Year of Closure	No. of Claims	NHS Legal Costs Paid	Claimant Legal Costs Paid
2017/18	#	#	0
2018/19	#	#	0
2019/20	5	#	0
2020/21	#	#	0
2021/22	#	#	0
2022/23	#	#	0
Grand Total	**22**	**17,915**	**0**