



Resolution

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February 2024
FOI_6345

The following information was requested on 2 January 2024:

RE – [FOI 5990 Assault-claims.pdf \(resolution.nhs.uk\)](#)

In relation to my previous FOI request during the middle of last year [Fol #5990 refers], you duly provided figures for four [4] of the five [5] years worth of data I requested.

You stated that the data for the period 2022-23 had not been finalised and therefore couldn't then be provided. Could you please confirm if that data is now available and, if it is, could forward it to me as per the original Fol request?

Our Response

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 clinical 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.

Please **find attached** the following tables:

Table 1 shows: – Number of LTPS Claims and Incidents received/notified in the financial year 2022/23 which relates to personal injury claims where the Primary Cause is "Assault". Broken down by claim type.

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](#)

Table 2 shows: - Cost of LTPS Claims Closed in the financial year 2022/23 with **damages paid** which relates to personal injury claims where the Primary Cause is "Assault". Broken down by claim type. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

Please see the above explanation in respect of the **LTPS** Scheme and the breakdown of liability.

Table 3 shows: - Cost of LTPS Claims Closed in the financial year 2022/23 with **NIL** damages paid which relates to personal injury claims where the Primary Cause is "Assault". Broken down by claim type.

Please see above in respect of the breakdown of the claim type.

Table 4 shows: - Number of **CNST** Claims and Incidents received/notified in the financial year 2022/23 which relates to personal injury claims filed by a patient/visitor/patients relative, or other service user, where the Primary Cause is "Assault, Etc By Hospital Staff" or "Injured By Another Patient".

For an explanation of the CNST scheme please refer to the following web page: [Clinical schemes - NHS Resolution](#)

Table 5 shows: - Cost of **CNST** Claims Closed in the financial year 2022/23 with damages paid which relate to personal injury claims filed by a patient/visitor/patients relative, or other service user, where the Primary Cause is "Assault, Etc By Hospital Staff" or "Injured By Another Patient". The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

Table 6 shows: - Cost of **CNST** Claims Closed in the financial year 2022/23 with **NIL** damages paid which relate to personal injury claims filed by a patient/visitor/patients relative, or other service user, where the Primary Cause is "Assault, Etc. By Hospital Staff" or "Injured By Another Patient".

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 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. You should still be able to see aggregate/total details for higher level fields containing this data.

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/>

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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.

Table 1: Number of LTPS Claims and/or Incidents received in the financial year 2022/23 where the Primary Cause is 'Assault' broken down by liability type.

Table 2: Number and Cost of LTPS Claims Closed in the financial year 2022/23 with a damages payment, where the Primary Cause is 'Assault' broken down by liability type. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

Table 3: Number and Cost of LTPS Claims Closed in the financial year 2022/23 with NIL damages paid where the Primary Cause is 'Assault' broken down by liability type.

Table 4: Number of CNST Claims and Incidents received in the financial year 2022/23 which relates to personal injury claims filed by a patient/visitor/patients relative, or other service user, where the Primary Cause is "Assault, Etc By Hospital Staff" or "Injured By Another Patient".

Table 5 Number and Cost of CNST Claims Closed in the financial year 2022/23 with a damages payment, where the Primary Cause is "Assault, Etc By Hospital Staff" or "Injured By Another Patient". The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

Table 6: Number and Cost of CNST Claims Closed in the financial year 2022/23 with NIL damages paid where the Primary Cause is "Assault, Etc By Hospital Staff" or "Injured By Another Patient".

Table 1: Number of LTPS Claims and/or Incidents received in the financial year 2022/23 where the Primary Cause is 'Assault' broken down by liability type.

FOI View scheme Cause1L1	Notified LTPS Assault
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No. of Claims Year of Notification	Liability Type		Grand Total
	EL	PL	
2022/23	425	126	551
Grand Total	425	126	551

Table 2: Number and Cost of LTPS Claims Closed in the financial year 2022/23 with a damages payment, where the Primary Cause is 'Assault' broken down by liability type. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

FOI View	Closed Settled
scheme	LTPS
Claim_Outcome	Successful
Cause1L1	Assault

Year of Closure --Liability Type	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2022/23					
EL	247	3,541,296	783,914	2,829,508	7,154,718
PL	31	765,200	113,309	390,815	1,269,324
Grand Total	278	4,306,496	897,223	3,220,323	8,424,042

Table 3: Number and Cost of LTPS Claims Closed in the financial year 2022/23 with NIL damages paid where the Primary Cause is 'Assault' broken down by liability type.

FOI View	Closed Settled
scheme	LTPS
Claim_Outcome	Unsuccessful
Cause1L1	Assault

Year of Closure --Liability Type	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid
2022/23				
EL	399	0	280,030	6,273
PL	56	0	33,309	#

Table 4: Number of CNST Claims and Incidents received in the financial year 2022/23 which relates to personal injury claims filed by a patient/visitor/patients relative, or other service user, where the Primary Cause is "Assault, Etc By Hospital Staff" or "Injured By Another Patient".

FOI View scheme Cause1L1	Notified CNST (Multiple Items)
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Year of Notification	No. of Claims
2022/23	20
Grand Total	20

Table 5 Number and Cost of CNST Claims Closed in the financial year 2022/23 with a damages payment, where the Primary Cause is "Assault, Etc By Hospital Staff" or "Injured By Another Patient". The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

FOI View scheme	Closed Settled CNST
Claim_Outcome Cause1L1	Successful (Multiple Items)

Year of Closure	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2022/23	12	297,116	127,530	430,119	854,765
Grand Total	12	297,116	127,530	430,119	854,765

Table 6: Number and Cost of CNST Claims Closed in the financial year 2022/23 with NIL damages paid where the Primary Cause is "Assault, Etc By Hospital Staff" or "Injured By Another Patient".

FOI View scheme Claim_Outcome Cause1L1	Closed Settled CNST Unsuccessful (Multiple Items)
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Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2022/23	13	0	66,138	0	66,138
Grand Total	13	0	66,138	0	66,138