



Resolution

8th Floor,
10 South Colonnade
Canary Wharf
London
E14 4PU
Telephone: 020 7811 2700

March 2024
FOI_6417

The following information was requested on 20 February 2024 and clarified on 13 March 2024:

[You requested on 20 February]

Please state the number of recorded clinical negligence cases involving physician associates (PA) working in general practice for each of the following calendar years:

- 2019
- 2020
- 2021
- 2022
- 2023

This means the number of cases where the incident took place within the relevant calendar year (rather than when the case was notified to NHSR). I understand that incidents taking place in the first quarter of 2019 come under the ELSGP, meaning this 2019 would include data from both schemes.

If information on professional groups is not routinely captured as a category, please conduct a key word search for 'physician associate'.

[We sought clarification on 20 February]

Thank you for your request for information.

Please can I clarify the following in respect of your request below.

Where you refer to Physician Associates, do you mean this to cover GPs? We are not sure if your request relates solely to the claims that fall under our CNSGP or our ELSGP Schemes? For further details please see here: [Clinical schemes - NHS Resolution](#)

We would not be able to identify specific professional groups in the way you have indicated without a manual review of individual claims files and this would likely exceed the FOI time limit.

Please can you clarify?

[You replied on 13 March]

My request does not relate to GPs. It relates to claims which involve physician associates (PAs), which is a separate professional group. I do understand however that some claims may involve multiple members of staff – so my request seeks to capture all those involving PAs.

But the request only relates to incidents occurring within general practice (i.e. solely CNSGP or ELSGP).

If you assess that a manual review would exceed the FOI time limit, can you suggest how I might refine the query.

Our Response

Although NHS Resolution may hold some information relating to claims such as what you have requested, due to the way claims are recorded on our claims database, we will not be able to identify such specific cases. It might be helpful to explain that when claims are notified to NHS Resolution they are categorised against pre-defined cause, injury and speciality [codes](#). We do not have codes for: *Physician Associates*. Therefore, while there may be information held in our records, we are not readily able to identify the relevant files by searching the database. To do so would involve a manual review of all cases to identify which ones relate to claims involving *Physician Associates*. NHS Resolution receives thousands of claims each year.

Claims are recorded against the Legal Defendant which will either be an NHS Trust or, in the case of General Practice, the individual or practice. The incidents which lead to claims can however involve a range of healthcare professionals. These are not coded separately given that the data is collected primarily for the management of the claim, however, we do identify the healthcare specialty to support the pricing of the indemnity schemes which also enables us to derive insights and trends. Please refer to the learning codes mentioned above.

Therefore, we estimate that the cost of complying with the request in its entirety would exceed the 'appropriate limit'. Section 12(1) of the FOIA is a provision which allows a public authority to refuse to comply with a request for information where the cost of compliance is estimated to exceed a set limit (known as the 'appropriate limit'). The 'appropriate limit' for NHS Resolution is £450. This equates to 18 hours of work at the rate of £25 per hour set out in the 'Fees Regulations'.

We estimate that it would take on average 10 minutes to locate, retrieve and extract the requested information from an individual file. It may therefore be the case that we would be able to examine only 108 files within 18 hours.

In addition, given the complexity of clinical negligence claims and their litigation, it is possible for a single electronic or paper-based file to contain hundreds of documents in a variety of formats.

Please also note even if we were able to carry out a review of 108 random files we may not be able to provide you with the level of detail you require owing to Data Protection grounds.

We would need to suppress low numbers or any information that could possibly lead to the identification of claimants, patients or individuals where disclosure would breach the General Data Protection Regulation.

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/>