



Resolution

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March 2024

FOI_6411

The following information was requested on 14 February 2024:

Please advise how many claims against Tavistock GIDS (gender identity service) were settled out of Court in 2021, 2022 and 2023, and how much money in pounds sterling was paid out for claims against Tavistock GIDS, settled out of Court, during 2021, 2022 and 2023.

Our Response

We are able to provide information in complete financial years. The data for the current financial year 2023/24 is not available. This information will be available on request from August 2024.

Therefore, we have provided information for the financial years 2020/21 – 2022/23.

Please note: 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>.

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 and close. They are not guaranteed to be settled and closed in the same year. As such, there will be a time gap between incident and claim closure.

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

The data shows variation in numbers of cases received, closed per year and costs attributed to those claims. This is a reflection of the nature of individual claims received and resolved by NHS Resolution, which can vary significantly. As such, these fluctuations cannot be interpreted as trends.

The response to this request covers all schemes managed by NHS Resolution. For more details regarding the schemes, please refer to our website:

[Non-clinical schemes - NHS Resolution](#)

[Clinical schemes - NHS Resolution](#)

Table 1 shows: - Number of Claims & Incidents received between financial years 2020/21 and 2022/23 where the claim has been identified as relating to the Tavistock Gender Identity Service.

Table 2 shows: - Number and Cost of Claims Closed between financial years 2020/21 and 2022/23 with a damages payment, where the claim has been identified as relating to the Tavistock Gender Identity Service. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

Please note that there were no claims closed with a damages payment during the financial year 2022/23 that meet these criteria.

Table 3 shows: - Number and Cost of Claims Closed between financial years 2020/21 and 2022/23 with **NIL** damages paid where the claim has been identified as being related to the Tavistock Gender Identity Service.

Please note that there were no claims closed with a Nil damages payment during the financial year 2020/21 that meet these criteria.

Low figures

We have not provided the information for low figures involved, 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.

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 Claims and Incidents received between financial years 2020/21 and 2022/23 where the claim has been identified as relating to the Tavistock Gender Identity Service.

Table 2: Number and Cost of Claims Closed between financial years 2020/21 and 2022/23 with a damages payment, where the claim has been identified as relating to the Tavistock Gender Identity Service. 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 Claims Closed between financial years 2020/21 and 2022/23 with NIL damages paid where the claim has been identified as being related to the Tavistock Gender Identity Service.

Table 1: Number of Claims and Incidents received between financial years 2020/21 and 2022/23 where the claim has been identified as relating to the Tavistock Gender Identity Service.

FOI View		Notified
Year of Notification		No. of Claims
2020/21		8
2021/22		#
2022/23		#

Table 2: Number and Cost of Claims Closed between financial years 2020/21 and 2022/23 with a damages payment, where the claim has been identified as relating to the Tavistock Gender Identity Service. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

FOI View	Closed Settled
Claim_Outcome	Successful

Year of Closure	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid
2020/21	#	#	#	#
2021/22	#	#	#	#
Grand Total	5	19,000	#	34,270

Table 3: Number and Cost of Claims Closed between financial years 2020/21 and 2022/23 with NIL damages paid where the claim has been identified as being related to the Tavistock Gender Identity Service.

FOI View	Closed Settled
Claim_Outcome	Unsuccessful

Year of Closure (Settlement Year for PPOs)	No. of Claims	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2021/22	6	5,268	0	5,268
2022/23	#	#	#	#