



Resolution

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May 2024
FOI_6498

The following information was requested on 15 April 2024:

Follow up to [FOI 5522 Mental-Health-Claims.doc.pdf \(resolution.nhs.uk\)](#)

Thank you very much for your response.

I have 3 questions that I'd be most grateful if you could look at and answer. please, thank you.

In it you write that "We estimate we would need to spend approximately 10 minutes reviewing each file out of the 346 claims identified that is relevant to your request." Would you be able to review a smaller number e.g. 35?

Earlier you state that "due to the way claims are recorded on our claims database" - what kind of database is it?

*Under the heading **Low Numbers and information about individual claims** - what does "level of granularity" mean?*

I look forward to hearing from you.

Our Response

As suggested in your request we have looked at the dataset involved in [FOI 5522 Mental-Health-Claims.doc.pdf \(resolution.nhs.uk\)](#)

We have concentrated on [table 3](#). We have looked at the 38 Claims that fall within the financial year **2021/22** and carried out a deep dive review of the correspondence on each of these claims to ascertain whether or not any of the claims related to where bi-polar is referenced as a known condition.

Please note that this review required an expert to go through each individual claim to identify the relevant information. This was not a straightforward task. We estimate that it took over 12 hours to carry out the exercise. Therefore, we would not be able to repeat it for the remaining years.

The review found that out of the 38 claims there were fewer than 5 claims that related to bi-polar as a known condition. We are not able to provide you with the details of these

claims due to data protection grounds. Please refer to our Low Numbers refusal below for further explanation.

Low Numbers and information about individual claims

Please note we have suppressed low figures and we are unable to provide information where disclosure could lead to the identification of claimants, 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.

As previously advised when claims are notified to NHS Resolution they are categorised against pre-defined cause, injury and speciality [codes](#). Unfortunately, we do not have a code that would allow us to extract claims relating to bipolar. 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 the claims relating to bipolar. The Claims database was designed primarily as a claims management tool rather than for research purposes.

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:

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Water Lane
Wilmslow
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