



Resolution

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August 2024
FOI_6627

The following information was requested on 1 July 2024:

I would like to request details of how much has been paid out and the number of individual claims paid in relation to David Fuller, who sexually assaulted the bodies of women and girls in mortuaries run by Maidstone and Tunbridge Wells Trust and its predecessors.

I understand you may now have details of more recent payouts (2023-24 financial year?).

Would you provide payments by financial year and the numbers of individual paid in each year?

Could you tell me the highest claim paid?

Are there any outstanding claims which are yet to be assessed/decided and would therefore be paid in 2024-25?

Have any claims been assessed and refused? If so, how many and what were the reasons for refusal?

Our Response

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>.

We only report on complete financial years. Therefore, we are unable to provide the information for the financial year 2024/25 as that information is not available. We have provided the information about the claims settled between 2022/23 – 2023/24.

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.

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.

Table 1 shows: - Number of LTPS Claims and Incidents received between financial years 2022/23 and 2023/24 where the Group Code is 'David Fuller Compensation Scheme' and the trust is Maidstone and Tunbridge Wells NHS Trust.

Table 2 shows: - Number and Cost of LTPS Claims settled in financial year 2022/23 to 2023/24, and subsequently Closed in financial year 2024/25 with a damages payment, where the Group Code is 'David Fuller Compensation Scheme' and the trust is Maidstone and Tunbridge Wells NHS Trust.

Claims have been brought by close family members of the deceased victims and a claim is recorded for each victim. We have shown the number of claimants separately in Table 2, because there are some claims where more than one family member is a claimant.

For further information about the David Fuller Compensation Scheme the link below will take you to a FAQ document about the compensation scheme:

[Compensation scheme extended for offences committed by David Fuller - Maidstone and Tunbridge Wells NHS Trust \(mtw.nhs.uk\)](https://www.mtw.nhs.uk/compensation-scheme-extended-for-offences-committed-by-david-fuller)

In response to: *“Are there any outstanding claims which are yet to be assessed/decided and would therefore be paid in 2024-25?”*

Yes

In response to: *Have any claims been assessed and refused? If so, how many and what were the reasons for refusal?*

None during the financial years 2022/23 – 2023/24.

In response to: *Could you tell me the highest claim paid?*

We are unable to provide information about individual claims as we believe this information is exempt. Please refer to the low numbers refusal notice below.

Low Numbers Refusal

Please note we have suppressed low figures and information about an individual claim, 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.

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 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 LTPS Claims and Incidents received between financial years 2022/23 and 2023/24 where the Group Code is 'David Fuller Compensation Scheme' and the trust is Maidstone and Tunbridge Wells NHS Trust.

Table 2: Number and Cost of LTPS Claims settled in financial year 2022/23 to 2023/24, and subsequently Closed in financial year 2024/25 with a damages payment, where the Group Code is 'David Fuller Compensation Scheme' and the trust is Maidstone and Tunbridge Wells NHS Trust.

Table 1: Number of LTPS Claims and Incidents received between financial years 2022/23 and 2023/24 where the Group Code is 'David Fuller Compensation Scheme' and the trust is Maidstone and Tunbridge Wells NHS Trust.

scheme		LTPS
Year of Notification		No. of Claims
2022/23		59
2023/24		15
Grand Total		74

Table 2: Number and Cost of LTPS Claims settled in financial year 2022/23 to 2023/24, and subsequently Closed in financial year 2024/25 with a damages payment, where the Group Code is 'David Fuller Compensation Scheme' and the trust is Maidstone and Tunbridge Wells NHS Trust.

Scheme ClaimOutcome		LTPS Damages Paid			
Year of Settlement	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Costs Paid	No. of Claimants
2022/23	6	67,500	6,960	8,600	9
2023/24	14	581,486	116,105	279,920	32
Grand Total	20	648,986	123,065	288,520	41