



Resolution

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November 2024
FOI_6814

The following information was requested on 15 October 2024:

Under the Freedom of Information Act 2000, could NHS Resolution provide the following information.

- *The total number of claims made to NHS Resolution between 2019 and 2024 relating to fires that took place in surgical theatre, or burns sustained as a result of a fire in a surgical theatre.*
- *The number of successful claims made to NHS resolution between 2019 and 2024 relating to fires that took place in surgical theatre, or burns sustained as a result of a fire in a surgical theatre.*
- *The total value (£s) of successful claims paid out by NHS resolutions between 2019 and 2024 relating to fires that took place in surgical theatre, or burns sustained as a result of a fire in a surgical theatre.*
- *The total number of disciplinary actions taken against NHS staff as a result of successful claims to NHS resolution between 2019 and 2024 relating to fires that took place in surgical theatre, or burns sustained as a result of a fire in a surgical theatre.*

Our Response

Thank you for your request for information. We only hold **claims** data for England.

In terms of the claims data that we hold, although NHS Resolution may hold some information relating to claims such as these, due to the way claims are recorded on our claims database, we will not be able to readily 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, unfortunately, the location a fire took place is not one of these. 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 review of all cases where the cause was a fire to identify which ones relate to fires that took place in surgical theatre, or burns sustained as a result of a fire in a surgical theatre.

Therefore, we estimate that the cost of complying with the request in its entirety would exceed the 'appropriate limit'. Section 12(1) of the Freedom of Information Act 2000 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.

We can carry out a search for the number of claims received where the cause was a fire and provide you with the number of these claims, however, we cannot guarantee that all or any of these claims will relate to fires that took place in surgical theatre, or burns sustained as a result of a fire in a surgical theatre.

We did carry out the following search: where the cause of the claim was a fire, and the injury sustained was burn for claims received or closed between the financial years 2019/20 and 2023/24 and there were fewer than 5 Claims that matched this search. We checked all of these claims individually and none related to a surgical theatre incident.

For details of the claims data that we publish please refer to our [Annual Report Statistics](#).

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
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