

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

March 2025
FOI_7028

The following information was requested on 6 February 2025 and clarified on 9 February 2025:

[On 6 February 2025 you requested:]

I am writing to request information under the Freedom of Information Act 2000 regarding compensation for staff assault claims within Worcestershire Royal Hospital under the Herefordshire and Worcestershire NHS Trust.

Specifically, I would like to know the following:

- 1. The number of staff assault claims made within the staff at Worcestershire Royal Hospital over the past five years and a break down of the figures for each year.*
- 2. The total amount of compensation paid out for these claims each year.*
- 3. A breakdown of the types of assaults reported (e.g., physical, verbal).*
- 4. Any measures or policies implemented by the trust to prevent staff assaults*

Please provide this information in an electronic format. If any part of this request is unclear, I would appreciate your guidance on how to clarify it.

I sent this to the trust, and they said this would be the contact for me to go through with this request.

[We sought clarification on 6 February 2025:]

Thank you for your request to NHS Resolution. Before we can respond, we need to clarify some of the points.

Please refer to our publication: [Guidance-note-Understanding-NHS-Resolution-data-updated](#) and a set of codes against which claims are logged: [CNST-Codes.xlsx \(live.com\)](#) (see the three tabs in the spreadsheet).

We are able to provide the data for Herefordshire and Worcestershire NHS Trust but not for individual hospital. Would you be interested in that data?

For Q3, we wouldn't be able to provide this data. We could break it down by injury, the way we did in Table 1 of [FOI 5153 Assault-Claims.pdf](#).

For Q4, we don't hold this information. You would need to contact the trust.

Your request will be put on hold until we receive the clarification requested above.

[On 9 February 2025 you replied with:]

Thank you for getting back to me.

Could you please provide me the numbers for the trust instead please.

For Q3, can you please send it in the format you suggested?

Our Response

Thank you for your request for information. We report in complete financial years. We are able to provide the claims data for the financial years 2019/20 – 2023/24.

Please find attached the requested information we are able to provide. This information only covers England and not the rest of the UK. We are able to provide the data on the claims and incidents notified to us. We will not hold the details of **all** incidents relating to physical assault. Individual Trusts will hold this.

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 [Understanding NHS Resolution data - NHS Resolution](#)

Please note claims notified/received and open are not guaranteed to be settled in the same year and can take many years to be concluded. 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.

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 unsuccessful), challenged, reopened, and closed again at conclusion. This can mean that large value claims appearing more than once can have a significant impact on the totals for Trusts.

LTPS Scheme

NHS Resolution manages a number of risk-pooling schemes (similar to insurance) for the NHS, one of which is the Liability to Third Parties Scheme (LTPS). This covers both employers' liability (**EL**) (i.e. in relation to duties of care owed to employees) and public liability (**PL**) (i.e. in relation to duties of care owed other patients, visitors, and other

members of the public). You can find out more about the LTPS scheme here: [Liabilities to Third Parties Scheme - NHS Resolution](#)

Please **find attached** the following tables:

Table 1 shows: – Number of LTPS Claims received between financial years '2019/20' and '2023/24' for Herefordshire and Worcestershire Health and Care NHS Trust where any cause is 'Assault' and Liability Type is 'Employer's Liability'. Broken down by Year and Injury.

Table 2 shows: - Number and Cost of LTPS Claims Closed between financial years '2019/20' and '2023/24' with a damages payment for Herefordshire and Worcestershire Health and Care NHS Trus, where any cause is 'Assault', and the Liability Type is 'Employer's Liability'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure. Broken down by Year and Injury.

Low Numbers -

We have suppressed low figures 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. Where we are in the territory of such small numbers in the attached, we have used a '#' symbol in the relevant field. You should still be able to see aggregate/total details for higher level fields containing this data.

Please also visit our [Learning from workplace violence claims within the NHS: A thematic review - NHS Resolution](#) produced by NHS Resolution in collaboration with the Social Partnership Forum and NHS England.

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 received between financial years '2019/20' and '2023/24' for Herefordshire and Worcestershire Health and Care NHS Trust where any cause is 'Assault' and Liability Type is 'Employer's Liability'. Broken down by Year and Injury.

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Table 1: Number of LTPS Claims received between financial years '2019/20' and '2023/24' for Herefordshire and Worcestershire Health and Care NHS Trust where any cause is 'Assault' and Liability Type is 'Employer's Liability'. Broken down by Year and Injury.

Notified	Y
scheme	LTPS
Liability_Type	EL

Year of Notification	No. of Claims
2019/20	
Orthopaedic Injuries	#
2021/22	
Facial Injuries	#
2022/23	
Head Injuries	#
Orthopaedic Injuries	#
2023/24	
Injuries to Internal Organs	#
Grand Total	7

Table 2: Number and Cost of LTPS Claims Closed between financial years '2019/20' and '2023/24' with a damages payment for Herefordshire and Worcestershire Health and Care NHS Trust, where any cause is 'Assault' and the Liability Type is 'Employer's Liability'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure. Broken down by Year and Injury.

ClosedSettled scheme	Y
Claim_Outcome	LTPS
Liability_Type	Damages Paid
	EL

Year of Closure	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2019/20					
Orthopaedic Injuries	#	#	#	#	#
2023/24					
Head Injuries	#	#	#	#	#
Orthopaedic Injuries	#	#	#	#	#
Grand Total	#	#	#	#	#