NHS Resolution

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March 2025
FOI_7034

The following information was requested on 10th February 2025:

For numbers 1-4, please could this be provided in a table with the financial years in the header columns and the requests 1-4 in the rows.

1) Please could you provide the number of times by financial year for the following years: 2018/19, 2019/20, 2020/21, 2021/22, 2022/23, 2023/24, and year to date for 2024/25, that claimants have been reimbursed prematurely or in error, resulting in them having to return the reimbursement to NHS Resolution.

2) Please could you also provide the total amount of money by financial year for the following years: 2018/19, 2019/20, 2020/21, 2021/22, 2022/23, 2023/24, and year to date for 2024/25, that claimants have been reimbursed prematurely or in error, resulting in them having to return the reimbursement to NHS Resolution.

3) Please could you provide the amount of money returned by claimants by financial year for the following years: 2018/19, 2019/20, 2020/21, 2021/22, 2022/23, 2023/24, and year to date for 2024/25, as a result of claimants being reimbursed prematurely or in error by NHS Resolution.

4) Please could you provide the amount of time in working days (calculated from the date of the payment run to the date the money was returned to the NHS Resolution bank account), that it took for NHS Resolution to recover any erroneous or prematurely paid claims from claimants by financial year for the following years: 2018/19, 2019/20, 2020/21, 2021/22, 2022/23, 2023/24, and year to date for 2024/25.

5) Please could you explain the approval limits by role and processes in place for payment of reimbursements to claimants by NHS Resolution.

Our Response

Thank you for your request for information. Unfortunately, to provide the information requested for Q1-4 will likely exceed the time limit set under the FOI rules. The information requested is not recorded in the way it has been requested. We would have to search multiple records and also carry out deep dives of individual claims files to extract and collate the relevant information. This exercise would be very time consuming. We estimate it would exceed 20hours to provide the requested information for even just one financial year. We are therefore unable to comply with the request.

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 would not be able to comply with the request within the 18 hours set under the FOI Act.

In response to: *5) Please could you explain the approval limits by role and processes in place for payment of reimbursements to claimants by NHS Resolution.*

We carry out stringent checks, the details of which are exempt. Please refer to the section 31 refusal notice below for further information.

Section 31 – Law Enforcement – withholding details of the procedures in place for payment verification

31(1) of the Freedom of Information Act 2000 (FOI Act) refers to information which is exempt (if it is not exempt information by virtue of section 30 of the FOI Act) if its disclosure under this Act would, or would be likely to, prejudice –

(a) the prevention or detection of crime

We consider that disclosing the details of any specific details of our payment verification processes and procedures would be likely to materially increase the risk of criminals attempting to circumvent these procedures. The information could be used by any person in the world (as is the nature of a disclosure under FOIA) particularly in conjunction with other information in the public domain, to plan or prepare more sophisticated attacks.

Divulging the requested information would compromise sensitive information in relation to our payment verification techniques and hinder our ability to prevent or detect fraud. We are increasingly the target of financial fraud attempts.

Section 31(1)(a) is a qualified exemption and requires public authorities to carry out a public interest test to determine whether in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the withheld information.

Public Interest Test –

Public Interest considerations in favour of disclosing the information

There is a public interest in openness and transparency in public sector bodies which can help to maintain public trust.

Public interest considerations in favour of maintaining the exemption

NHS Resolution recognises its duty to protect the public finances that it manages and to ensure only legitimate suppliers or claimants are provided with the correct information and any money owed.

Disclosing the information requested would mean releasing details that could increase the ability of criminals to attempt to commit fraud and it would likely put pressure on our counter fraud measures which are already in place. Thereby creating an additional burden on the organisation.

By withholding this information, criminals will be prevented from exploiting such information in order to target our systems, individuals or defraud public funds.

Balance of Public Interest Test (PIT)

NHS Resolution acknowledges that there is an inherent public interest in the right to know. We believe that ensuring the effectiveness of our counter fraud measures is paramount to ensuring public funds is not misappropriated and obtained in a fraudulent way. On the balance of the PIT, we believe that there would be a clear causative link in disclosing the information you have requested which could expose the organisation to the risk of crime and subsequently lead to fraud being committed.

NHS Resolution therefore believes that the greater public interest is in withholding any specific details of our payment verification processes and procedures based on the provisions contained in S31(1)(a) of the FOI Act.

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 Joanne Appleby, Deputy 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
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