



Resolution

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June 2025
FOI_7169

The following information was requested on 15 April 2025:

I am submitting this request under the Freedom of Information Act 2000.

Please provide the following information, via email, for the period from 1 January 2021 to present:

1. A list of all personal injury *claims made against Avon and Wiltshire Partnership NHS Trust* (AWP) involving:

- *Injuries to staff during restraint incidents*
- *Incidents involving seclusion, physical holds, or corridor-based containment (e.g., use of fire doors)*

2. The number of claims received from staff employed at the Riverside Adolescent Inpatient Unit during this period.

3. Copies of any NHS Resolution guidance, internal procedures, or decision-making frameworks used when:

- *Assessing employer liability in workplace incidents involving restraint or inadequate training*
- *Evaluating staff injury claims in mental health inpatient settings*

4. A copy of NHS Resolution's policies and protocols regarding document disclosure obligations and communication with third-party solicitors.

5. Any internal reviews, reports, or correspondence highlighting delays in disclosure, document handling, or claimant communications in cases involving AWP between 2022 and 2024.

If any part of this request requires refinement to remain within the appropriate cost or time limits, I would be happy to assist.

Our Response

In response to: **1. A list of all personal injury *claims made against Avon and Wiltshire Partnership NHS Trust* (AWP) involving:**

- *Injuries to staff during restraint incidents*
- *Incidents involving seclusion, physical holds, or corridor-based containment (e.g., use of fire doors)*

We can advise that we have carried out the following searches:

Search for the following cause codes: Restraining Patient and separately Restraining Patient Relative, across the financial years '2020/21' to '2023/24' for Avon & Wiltshire Mental Health Partnership NHS Trust.

We can confirm that there are no claims which match those search parameters.

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, we do not have a code that would allow us to extract *Incidents involving seclusion, physical holds, or corridor-based containment (e.g., use of fire doors)* and the above cause code is the most relevant to the request.

Due to the number of cases against the Avon & Wiltshire Mental Health Partnership NHS Trust we have been able to conduct a manual search of the cases, **limited to the documents received by NHS Resolution at the point of notification e.g. Letters of Claim**. The data in tables 1-3 below is based on the findings of this manual review.

Please note that due to the nature of negligence claims, it is possible that the nature of the claim changed during the course of investigation and the factors relevant at notification may or may not be relevant at conclusion. There may also be information held in our records which we are not readily able to identify. A more thorough manual review of all LTPS cases for Avon & Wiltshire Mental Health Partnership NHS Trust to identify which relate to *Incidents involving seclusion, physical holds, or corridor-based containment (e.g., use of fire doors)* would likely take in excess of 18 hours in total (please see below).

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 '2020/21' and '2023/24' for Avon & Wiltshire Mental Health Partnership NHS Trust where the claim involves injuries to staff during restraint incidents; incidents involving seclusion, physical holds, or corridor-based containment (e.g., use of fire doors).

Table 2 shows – Number and Cost of LTPS Claims Closed between financial years '2020/21' and '2023/24' with a damages payment, for Avon & Wiltshire Mental Health Partnership NHS Trust where the claim involves injuries to staff during restraint incidents; incidents involving seclusion, physical holds, or corridor-based containment

(e.g., use of fire doors). The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

Table 3 shows – Number and Cost of LTPS Claims Closed between financial years ‘2020/21’ and ‘2023/24’ with **NIL** damages paid for Avon & Wiltshire Mental Health Partnership NHS Trust where the claim involves injuries to staff during restraint incidents; incidents involving seclusion, physical holds, or corridor-based containment (e.g., use of fire doors).

Where a year is missing from the tables above, this means that there were no claims that met the criteria for the year in question.

Low figures

We have not provided the information for low figures involved 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.

*Please note that we cannot be categoric that this search will have captured every claim “involving seclusion, physical holds, or corridor-based containment (e.g., use of fire doors).”

We estimate that the cost of complying with the request in its entirety (with a full review of each claim) would exceed the ‘appropriate limit.’ Section 12(1) of the FOIA 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 have provided the information that is readily available within the FOI time limit.

We would like to refer you to our Workplace Violence report which may be of interest: <https://resolution.nhs.uk/resources/learning-from-workplace-violence-claims-within-the-nhs-a-thematic-review/>

In response to: 2. The number of claims received from staff employed at the Riverside Adolescent Inpatient Unit during this period.

We record claims against Trusts and therefore we do not hold details of claims separately for Riverside Adolescent Inpatient Unit.

In response to: 3. Copies of any NHS Resolution guidance, internal procedures, or decision-making frameworks used when:

- *Assessing employer liability in workplace incidents involving restraint or inadequate training*
- *Evaluating staff injury claims in mental health inpatient settings*

We do not hold this information. We investigate and evaluate claims and make liability decisions based on the relevant legal tests, to include consideration of the relevant workplace regulations.

In response to: 4. A copy of NHS Resolution's policies and protocols regarding document disclosure obligations and communication with third-party solicitors.

We do not hold this information. Document disclosure between the parties is governed by the relevant pre-action protocol of the Civil Procedure Rules. – which can be found here: [The Civil Procedure Rules 1998](#)

In response to: 5. Any internal reviews, reports, or correspondence highlighting delays in disclosure, document handling, or claimant communications in cases involving AWP between 2022 and 2024.

We are not aware of this information being held. However, in order to provide a definitive reply would entail the manual review of claim files for Avon and Wiltshire Partnership NHS Trust over 4 years.

Therefore, we estimate that the cost of complying with the request in its entirety would exceed the 'appropriate limit.' Section 12(1) of the FOIA 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 have provided the information that is readily available within the FOI time limit.

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 [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
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 '2020/21' and '2023/24' for Avon & Wiltshire Mental Health Partnership NHS Trust where the claim involves injuries to staff during restraint incidents; incidents involving seclusion, physical holds, or corridor-based containment (e.g., use of fire doors).

Table 2: Number and Cost of LTPS Claims Closed between financial years '2020/21' and '2023/24' with a damages payment, for Avon & Wiltshire Mental Health Partnership NHS Trust where the claim involves injuries to staff during restraint incidents; incidents involving seclusion, physical holds, or corridor-based containment (e.g., use of fire doors). The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

Table 3: Number and Cost of LTPS Claims Closed between financial years '2020/21' and '2023/24' with NIL damages paid for Avon & Wiltshire Mental Health Partnership NHS Trust where the claim involves injuries to staff during restraint incidents; incidents involving seclusion, physical holds, or corridor-based containment (e.g., use of fire doors).

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Notified	Y
scheme	LTPS

Year of Notification	No. of Claims
2020/21	#
2021/22	#
2022/23	#
Grand Total	6

Table 2: Number and Cost of LTPS Claims Closed between financial years '2020/21' and '2023/24' with a damages payment, for Avon & Wiltshire Mental Health Partnership NHS Trust where the claim involves injuries to staff during restraint incidents; incidents involving seclusion, physical holds, or corridor-based containment (e.g., use of fire doors). The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

ClosedSettled	Y
scheme	LTPS
Claim_Outcome	Damages Paid

Year of Closure	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2021/22	#	#	#	#	#
2022/23	#	#	#	#	#
Grand Total	#	#	#	#	#

Table 3: Number and Cost of LTPS Claims Closed between financial years '2020/21' and '2023/24' with NIL damages paid for Avon & Wiltshire Mental Health Partnership NHS Trust where the claim involves injuries to staff during restraint incidents; incidents involving seclusion, physical holds, or corridor-based containment (e.g., use of fire doors).

ClosedSettled	Y
scheme	LTPS
Claim_Outcome	Nil Damages

Year of Closure	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2020/21	#	#	#	#	#
2022/23	#	#	#	#	#
2023/24	#	#	#	#	#
Grand Total	#	#	#	#	#