



Resolution

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October 2018
FOI_3517

The following information was requested on 23 October 2018:

Regarding the FOI request FOI 2722, I was wondering if you are able to update the request so this is up to date (i.e. to include cases for 2018 and any additional cases from previous years)?

"I am looking for information pertaining to intraoperative ureteric injury within the NHS and all claims made against this. The best search term would probably all claims that state 'ureter' as part of the claim. If all information could be anonymised and include at least the following fields:

- 1) Patient age
- 2) Patient sex
- 3) Hospital
- 4) Specialty

I am sure you will be able to offer additional information and I would be happy to discuss this with whoever is assigned to this FOI request."

Our Response

Although NHS Resolution will 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 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 **Ureter** claims is not one of these and we would not be able to identify such specific cases. 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 to identify which ones relate to claims involving Ureter claims. NHS Resolution receives thousands of claims each year.

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 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 Regulations.

We could provide you with the number of claims with **Ureter** in the Incident Description, to include cases for 2018 and any additional cases from previous years. However, this would give a misleading picture as there are a number of causes for claims and they are settled for a number of multi-factorial reasons and the primary cause and injury may not relate entirely to **Ureter**.

Please see our guidance note [Understanding NHS Resolution Data](#) for details of how data is categorised in the claims database. This should assist you in rephrasing your request.

Please let us know if you would be interested in this information.

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](#), Head of Corporate and Information Governance 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