



# Resolution

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January 2019  
FOI\_3561

The following information was requested on 12 December 2018:

*I'd be grateful if you could provide me with the a) number of claims made b) number of claims successful and c) total compensation paid for each of the last 5 financial years for:*

- 1. Injuries to the eye due to physical assaults on staff in mental health Trusts*
- 2. Injuries to the face due to physical assaults on staff in mental health Trusts*
- 3. All physical assaults on staff in mental health Trusts*

*If it is not possible to break this data down to this level, I will accept data for all NHS Trusts. I am only asking about injuries to staff. Any further details that can be provided on nature of injury would be helpful but please ignore if it makes it too costly to process.*

## **Our Response**

Please find attached the information we are able to provide. By way of advice and assistance and further to our obligations under s. 16 FOIA, 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 (i.e. in relation to duties of care owed to employees) and public liability (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: <https://resolution.nhs.uk/services/claims-management/non-clinical-claims/risk-pooling-schemes-for-trusts/liabilities-to-third-parties-scheme/> . The attached data is drawn from data from that scheme.

Please note these are approximate figures as there may be a small number of claims that have been recorded against a clinical negligence claim, for instance where a patient assaults a member of staff and the allegations of negligence are linked to a failure to supervise the patient (i.e.) a failure in care, these cases will not have been picked up in the attached report.

We have also included all primary injuries including facial and head. No eye injuries were specifically identified as primary injury.

Please see the following link for how data is recorded in the Claims database: [Glossary](#)

We have suppressed (using a #) 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(3)(a)(i) of the 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.

In some instances the low numbers of claims (fewer than 5) in each injury or cause 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.

**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

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Freedom of Information Request# 3561

Data correct as at: 2018-11-30

**Table 1: Number of Claims received between financial years 2013/14 to 2017/18, in Mental Health Trusts , for non-clinical claims, where cause/incident-description include 'assault', 'attack', 'murder', killed' or 'homicide'**

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Notifications	Y
Clinical_NonClinical	Non Clinical

Notification Year	No. of Claims
2013/14	296
2014/15	308
2015/16	270
2016/17	316
2017/18	297
<b>Grand Total</b>	<b>1,487</b>

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Table 2: Number and Cost of Claims Closed/Settled with damages paid between financial years 2013/14 to 2017/18, in Mental Health Trusts , for non-clinical claims, where cause/incident-description include 'assault, 'attack', 'murder', killed' or 'homicide'

Closed_Settled	Y
Clinical_NonClinical	Non Clinical
Claim_Outcome	Settled with Damages

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	Defence Costs Paid	Claimant Costs Paid	Total Paid
2013/14	130	£2,815,870	£460,681	£2,153,496	£5,430,046
2014/15	129	£2,521,956	£386,562	£1,742,070	£4,650,588
2015/16	131	£2,519,228	£424,105	£1,975,443	£4,918,776
2016/17	96	£3,101,262	£335,351	£1,451,379	£4,887,992
2017/18	97	£2,221,394	£436,905	£1,732,061	£4,390,360
<b>Grand Total</b>	<b>583</b>	<b>£13,179,710</b>	<b>£2,043,604</b>	<b>£9,054,448</b>	<b>£24,277,762</b>

Freedom of Information Request# 3561

Data correct as at: 2018-11-30

**Table 3: Number of Claims Closed without damages paid between financial years 2013/14 to 2017/18, in Mental Health Trusts , for non-clinical claims, where cause/incident-description include 'assault', 'attack', 'murder', killed' or 'homicide'**

Closed_Settled	Y
Clinical_NonClinical	Non Clinical
Claim_Outcome	Unsuccessful

Year of Closure (Settlement Year for PPOs)	No. of Claims
2013/14	167
2014/15	185
2015/16	181
2016/17	183
2017/18	207
<b>Grand Total</b>	<b>923</b>

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Table 4: Analysis of Primary Injuries for Claims Closed/Settled with damages paid between financial years 2013/14 to 2017/18, in Mental Health Trusts , for non-clinical claims, where cause/incident-description include 'assault', 'attack', 'murder', 'killed' or 'homicide'

Closed_Settled	Y
Clinical_NonClinical	Non Clinical
Claim_Outcome	Settled with Damages

Year of Closure (Settlement Year for PPOs)					
Primary Injury Types	No. of Claims	Damages Paid	Defence Costs Paid	Claimant Costs Paid	Total Paid
<b>2013/14</b>					
Orthopaedic Injuries	62	£2,067,164	£308,153	£1,224,895	£3,600,213
Facial Injuries	19	£143,122	£24,313	£161,108	£328,542
Head Injuries	18	£207,153	£40,467	£251,860	£499,480
Psychiatric Damage	16	£166,797	£37,386	£228,916	£433,099
Burns	6	£139,574	£7,813	£104,200	£251,587
Damage to Hair	#	#	#	#	#
Injuries to Internal Organs	#	#	#	#	#
Injuries affecting the senses	#	#	#	#	#
Other	#	#	#	#	#
Scarring (Except Facial)	#	#	#	#	#
<b>2014/15</b>					
Orthopaedic Injuries	78	£1,990,616	£244,347	£1,105,689	£3,340,651
Facial Injuries	16	£171,453	£18,246	£188,195	£377,894
Head Injuries	14	£178,855	£51,677	£235,320	£465,853
Psychiatric Damage	12	£98,228	£27,526	£107,379	£233,133
Burns	#	#	#	#	#
Other	#	#	#	#	#
Damage to Hair	#	#	#	#	#
Injuries affecting the senses	#	#	#	#	#
Scarring (Except Facial)	#	#	#	#	#
<b>2015/16</b>					
Orthopaedic Injuries	72	£1,838,441	£294,393	£1,150,032	£3,282,866
Facial Injuries	26	£273,544	£65,107	£360,143	£698,794
Psychiatric Damage	15	£190,221	£29,120	£234,268	£453,609
Head Injuries	13	£176,509	£32,672	£204,096	£413,277
Injuries affecting the senses	#	#	#	#	#
Injuries to Internal Organs	#	#	#	#	#
Burns	#	#	#	#	#
Scarring (Except Facial)	#	#	#	#	#
<b>2016/17</b>					
Orthopaedic Injuries	52	£595,131	£139,297	£604,382	£1,338,810
Facial Injuries	20	£322,939	£39,941	£248,115	£610,996
Head Injuries	15	£265,990	£26,633	£194,917	£487,540
Psychiatric Damage	#	#	#	#	#
Injuries affecting the senses	#	#	#	#	#
Damage to Hair	#	#	#	#	#
Injuries Involving Paralysis	#	#	#	#	#
Injuries to Internal Organs	#	#	#	#	#
<b>2017/18</b>					
Orthopaedic Injuries	49	£1,201,690	£257,764	£1,047,481	£2,506,935
Facial Injuries	21	£198,213	£86,264	£257,505	£541,982
Head Injuries	13	£626,835	£54,237	£239,213	£920,284
Psychiatric Damage	9	£143,726	£32,933	£139,012	£315,671
Burns	#	#	#	#	#
Injuries affecting the senses	#	#	#	#	#
Scarring (Except Facial)	#	#	#	#	#
<b>Grand Total</b>	<b>583</b>	<b>£13,179,710</b>	<b>£2,043,604</b>	<b>£9,054,448</b>	<b>£24,277,762</b>

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Table 5: Analysis of Primary Causes for Claims Closed/Settled with damages paid between financial years 2013/14 to 2017/18, in Mental Health Trusts , for non-clinical claims, where cause/incident-description include 'assault', 'attack', 'murder', 'killed' or 'homicide'

Closed_Settled	Y
Clinical_NonClinical	Non Clinical
Claim_Outcome	Settled with Damages

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	Defence Costs Paid	Claimant Costs Paid	Total Paid
<b>----- Primary Causes</b>					
<b>2013/14</b>					
Assault	122	£2,757,627	£423,156	£1,968,876	£5,149,659
Workplace (Health, Safety and Welfare) Regulations	6	£49,196	£24,408	£136,428	£210,032
Manual Handling	#	#	#	#	#
Mgt of H & S at W Regs	#	#	#	#	#
<b>2014/15</b>					
Assault	120	£2,459,925	£365,374	£1,643,066	£4,468,365
Workplace (Health, Safety and Welfare) Regulations	9	£62,031	£21,187	£99,005	£182,223
<b>2015/16</b>					
Assault	117	£2,291,178	£409,365	£1,828,010	£4,528,553
Workplace (Health, Safety and Welfare) Regulations	10	£75,612	£7,346	£89,684	£172,642
Manual Handling	#	#	#	#	#
Other	#	#	#	#	#
Defective Tools/Equip	#	#	#	#	#
<b>2016/17</b>					
Assault	87	£3,036,496	£328,648	£1,383,846	£4,748,989
Workplace (Health, Safety and Welfare) Regulations	9	£64,767	£6,703	£67,533	£139,003
<b>2017/18</b>					
Assault	86	£1,625,226	£377,506	£1,526,873	£3,529,605
Workplace (Health, Safety and Welfare) Regulations	11	£596,168	£59,399	£205,188	£860,755
<b>Grand Total</b>	<b>583</b>	<b>£13,179,710</b>	<b>£2,043,604</b>	<b>£9,054,448</b>	<b>£24,277,762</b>