



# Resolution

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FOI\_3864

The following information was requested on 5 July 2019:

*1. How many clinical negligence claims involving amputation were paid out by the NHSLA in the year 2018/19, what was the monetary value of payments made against those claims, irrespective of when the claim was made? For each amputation please list the body part or limb involved. Please give the three NHS Trusts against whom the most successful claims were paid out in 2018/19 and how many claims related to each of those trusts.*

*2. How many clinical negligence claims involving blindness were paid out by the NHSLA in the year 2018/19, what was the monetary value of payments made against those claims, irrespective of when the claim was made? Please give the three NHS Trusts against whom the most successful claims were paid out in 2018/19 and how many claims related to each of those trusts.*

*3. How many clinical negligence claims involving cosmetic disfigurement were paid out by the NHSLA in the year 2018/19, what was the monetary value of payments made against those claims, irrespective of when the claim was made? Please give the three NHS Trusts against whom the most successful claims were paid out in 2018/19 and how many claims related to each of those trusts.*

## Our Response

Please find attached the information requested.

**The number of claims has increased in 2018/19. Any increase in the overall damages payments has been contributed to by a change to the personal injury discount rate, which affects the payments made to compensate for future losses such as ongoing care costs.**

We are unable to provide the breakdown requested (*the three NHS Trusts against whom the most successful claims were paid out in 2018/19 and how many claims related to each of those trusts*) and have suppressed low numbers involved 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. 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.

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](#), 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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**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: Analysis of Primary Injuries for Claims Closed/Settled with damages paid in the financial year 2018/19 where the Primary Injuries are "Amputation", "Blindness" or "Cosmetic Disfigurement"](#)

**Table 1: Analysis of Primary Injuries for Claims Closed/Settled with damages paid in the financial year 2018/19 where the Primary Injuries are "Amputation", "Blindness" or "Cosmetic Disfigurement"**

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)		Damages Paid
----- Primary Injury Types	No_of_Claims	
<b>2018/19</b>		<b>64,109,977</b>
Blindness	63	14,788,462
Cosmetic Disfigurement	31	1,315,490
Amputation - Lower	96	43,397,138
Amputation - Upper	23	4,608,887