



Resolution

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October 2019
FOI_3998

The following information was requested on 6 September 2019:

- 1. How much has the NHS paid in compensation to NHS patients for operations and treatments in non NHS hospitals and treatment centre in 2018/19 and what was the most common injury category for payment in each of those years?*
- 2. Can you provide a table of all the injury codes for the cohort of payouts in relation to Question 1 and the number of claims against each code?*

Note: The question refers to when the payout was made regardless of when the claim was lodged or when the incident happened. The answer should be provided on the same basis as was done for a Written Parliamentary Answer [Ref: 91270 : 25 Jan 2012 : Column 258W

Our Response

Please find attached the details of claims recorded against independent sector healthcare providers treating NHS patients who are members of our indemnity scheme.

Please note there are a small number of claims not included where a Trust has sub-contracted work to a private hospital and it is a term of the arrangement that the Trust agrees to accept liability (for whatever reason) and we log such cases against the Trust. It is not possible to identify these from our Claims Management System as we do not have a code for them.

Please note we have suppressed 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 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 by Number of Claims for Claims Closed/Settled with damages paid in the financial year 2018/19 for NHS patients referred to Independent Providers](#)

Table 1: Analysis of Primary Injuries by Number of Claims for Claims Closed/Settled with damages paid in the financial year 2018/19 for NHS patients referred to Independent Providers

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)		
----- Primary Injury Types	No_of_Claims	Damages Paid
2018/19	192	9,756,489
Adtnl/unnecessary Operation(s)	50	2,547,399
Unnecessary Pain	27	725,538
Nerve Damage	12	978,501
Poor Outcome - Fractures Etc.	10	674,687
Fracture	8	218,839
Pressure Sores	6	117,409
Other Infection	6	369,558
Joint Damage	5	116,596
Bile Duct Damage	5	730,087
Psychiatric/Psychological Dmge	#	#
Thrombosis/Embolism	#	#
Bowel Damage/ Dysfunction	#	#
Bladder Damage	#	#
Fatality	#	#
Dental Damage	#	#
Other Visual Problems	#	#
Burn(s)	#	#
Perforation	#	#
Anaphylact Shock/Allergic Shock/allergy	#	#
Multiple Injuries	#	#
Dislocation	#	#
Amputation - Upper	#	#
Unwanted Pregnancy	#	#
Advanced Stage Cancer	#	#
Blindness	#	#
Failed Sterilization	#	#
Scarring	#	#
Foot Drop	#	#
Tendon Damage	#	#
Aneurysm	#	#
Wrongful Birth	#	#
Reduced Life Expectancy	#	#
Bruising/ Extravasation	#	#
Anaesthetic	#	#
Other	#	#
Respiratory Disorder/ Failure	#	#
Incontinence	#	#
Cosmetic Disfigurement	#	#
Not Specified	#	#
Arterial Damage	#	#
Cancer	#	#
Limb Deformity	#	#
Addiction/Dependency	#	#
Sexual Abuse	#	#
Grand Total	192	9,756,489