



## Resolution

2<sup>nd</sup> Floor  
151 Buckingham Palace Road  
London  
SW1W 9SZ  
**Telephone:** 020 7811 2700

January 2020  
FOI\_4137

The following information was requested on 2 December 2019:

*I have been ...looking at all patients who have been admitted to us between 2016 and 2018 with a spinal cord injury due to discitis/spinal infection and specifically reviewing delays in their diagnoses prior to transfer to us for rehabilitation. These patients have sustained life changing injuries and we suspect there may be a high cost to the NHS in terms of litigation claims.*

*We were hoping to find out the number of claims and the breakdown of cost, in terms of damages and legal costs, nationally (England), regionally (South Yorkshire) and locally (Sheffield teaching hospitals) between 2016 and 2018. I am unsure how you would code these patients but we would include those with delayed diagnoses of spinal infection, discitis and vertebral osteomyelitis.*

*Also is there a way we can find out this information from our specific cohort of patients?*

### **Our Response**

Please find attached the information we are able to provide.

We are unable to provide the breakdown requested 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 Freedom of Information Act 2000, 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

## TABLE OF CONTENTS

**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 and Cost of Claims Closed/Settled with damages paid for Sheffield Teaching Hospitals NHS Foundation Trust between 1st Apr 2015 to 31st Mar 2019 for Spinal Damage](#)

[Table 2: Number and Cost of Claims Closed/Settled with damages paid for all Trust's between 1st Apr 2015 to 31st Mar 2019 for Spinal Damage](#)

**Table 1: Number and Cost of Claims Closed/Settled with damages paid for Sheffield Teaching Hospitals NHS Foundation Trust between 1st Apr 2015 to 31st Mar 2019 for Spinal Damage**

Closed_Settled	Y
Clinical_NonClinical	Clinical
Claim_Outcome_FOI	Damages Paid
MemberName	Sheffield Teaching Hospitals NHS Foundation Trust

Year of Closure (Settlement Year for PPOs)	No_of_Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2015/16	#	#	#	#	#
2016/17	#	#	#	#	#
2017/18	#	#	#	#	#
2018/19	#	#	#	#	#
<b>Grand Total</b>	<b>8</b>	<b>2,240,414</b>	<b>371,228</b>	<b>991,422</b>	<b>3,603,064</b>

**Table 2: Number and Cost of Claims Closed/Settled with damages paid for all Trust's between 1st Apr 2015 to 31st Mar 2019 for Spinal Damage**

Closed_Settled	Y
Clinical_NonClinical	Clinical
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)	No_of_Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2015/16	37	12,118,698	1,306,450	5,952,313	19,377,460
2016/17	67	29,172,686	2,359,600	11,116,170	42,648,456
2017/18	45	18,114,522	1,953,745	7,738,184	27,806,451
2018/19	73	33,556,900	2,363,248	9,382,840	45,302,987
<b>Grand Total</b>	<b>222</b>	<b>92,962,806</b>	<b>7,983,042</b>	<b>34,189,507</b>	<b>135,135,354</b>