



# Resolution

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February 2020  
FOI\_4211

The following information was requested on 9 January 2020:

*I sent an information request to the Midlands Partnership Fellowship (nhs) Trust - MPFT regarding compensation payments to staff. They have advised that any such payments would come via yourselves.*

*In respect of MPFT staff will you please answer the following:*

*Dear Midlands Partnership foundation trust,*

*Please will you confirm the following information for the year from January 2019 to the end of December 2019*

*How many staff members, or former staff members, have been paid compensation or reparation following legal action or threats of legal action?*

*What was the total amount of the compensation or reparation paid?*

*How many of these staff members or former staff members were employed as Nurses, nursing assistants, or managers within nursing teams?*

*What was the total amount of the compensation or reparation paid to these people?*

*How many of these staff members or former staff members were employed as occupational therapists, occupational therapy assessors, or managers within occupational therapy teams?*

*What was the total amount of the compensation or reparation paid to these people?*

## **Our Response**

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/>.

We could provide you with total figures for employers' liability claims, however it is not clear what you mean by reparation. Please can you clarify?

Please also note due to the way claims are recorded on our claims database, we will not be able to identify the specific job titles you have identified. 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 *Nurses, nursing assistants, or managers within nursing teams* is not one of these. 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 *Nurses, nursing assistants, or managers within nursing teams*. 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 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 Regulation.

Please let us know if you would be interested in the high level employers' liability 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