



Resolution

2nd Floor
151 Buckingham Palace Road
London
SW1W 9SZ
Telephone: 020 7811 2700

June 2020
FOI 4578

The following information was requested on 17 May 2020:

I previously completed project looking at claims relating to elective hip surgery between 2003 and 2013.

Looking to update the work up to 2018. I was hoping to get information relating to all elective hip claims between 2013 and 2018.

Our Response

Thank you for your request. Although NHS Resolution may hold some information relating to claims such as these, due to the way claims are recorded on our claims database, we will not be able to identify such specific cases. 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 we do not have a specific code for **Hip Surgery**. We do however have Orthopaedic Surgery as a speciality but that encompasses the treatment of all disorders of the bones, joints, ligaments, tendons and muscles but not specifically **Hip Surgery**. 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 **Hip Surgery**. 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 clinical negligence 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.

If you would like to know how data is categorised in our Claims database please see the following link: Glossary

<https://resolution.nhs.uk/wp-content/uploads/2018/10/Guidance-note-Understanding-NHS-Resolution-data-v2.pdf>

In the past we have occasionally provided information based on the incident description field. However, this search has proven to be incomplete and provided a misleading picture as there are a number of causes for claims and they are settled for a number of multi-factorial reasons and the primary cause and injury may not relate entirely to what has been entered into the short free-text field. This approach would also be reliant on the precise phrase hip surgery having been used (and spelt correctly) in the free text field rather than other synonyms or general descriptions of the patient's condition/treatment. As such we have decided not to carry out searches based on the incident description field.

Further to our obligations to provide advice and assistance, you may find it helpful to review the work of the [Getting It Right First Time team](#) with whom NHS Resolution has been working with to undertake in-depth analysis on claims data (on orthopaedic surgery claims). They have produced a [number of reports](#) from analysing our claims data which has been shared following approval of the confidentiality advisory group on the use of confidential patient information for this purpose.

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

<https://ico.org.uk/>