



Resolution

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September 2020
FOI_4739

The following information was requested on 17 August 2020:

This is an information request relating to clinical negligence claims.

Please include the information for each of the following period; 2019-20.

- 1. The total number of clinical negligence claims which resulted in a payment in respect of clinical schemes.*
- 2. The total cost of clinical negligence claims in respect of clinical schemes, this includes damages payments to claimants, claimant legal costs and NHS legal costs.*
- 3. The five largest clinical negligence, in respect of clinical schemes, damages payments and the type of clinical negligence which caused the claim to be made.*

Our Response

The information requested in points 1 and 2 are available in our annual report and accounts located here: https://resolution.nhs.uk/wp-content/uploads/2020/07/NHS-Resolution-2019_20-Annual-report-and-accounts-WEB.pdf

Please see pages 52 – 53.

We are unable to provide you with the details regarding the 5 largest clinical negligence claims 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.

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

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