



# Resolution

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October 2020  
FOI\_4797

The following information was requested on 2 October 2020:

*Is NHSR able to provide us with the number of outstanding claims for each Trust for the past last year, where failure to warn / consent is coded as the primary cause?*

## **Our Response**

Please find attached the requested information.

Please note we have suppressed low figures and we are unable to provide you with information about individual cases 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.

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

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



Table 1: The number of outstanding claims against NHS trusts in 2019/20 where 'Fail to warn - informed consent' was the primary cause

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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: The number of outstanding claims against NHS trusts in 2019/20 where 'Fail to warn - informed consent' was the primary cause](#)

**Table 1: The number of outstanding claims against NHS trusts in 2019/20 where 'Fail to warn - informed consent' was the primary cause**

Closed_Settled	N
Clinical_NonClinical	Clinical
Claim_Outcome_FOI	Open
Cause1L1	Fail To Warn-Informed Consent

Year of Closure (Settlement Year for PPOs)	No. of Claims
----- Member Name	
2019/20	345
Number of Trusts with fewer than 5 claims: 83	175
North Bristol NHS Trust	15
Nottingham University Hospitals NHS Trust	9
Pennine Acute Hospitals NHS Trust (The)	9
South Tyneside and Sunderland NHS Foundation Trust	9
Newcastle Upon Tyne Hospitals NHS Foundation Trust (The)	8
Royal Free London NHS Foundation Trust	8
Barts Health NHS Trust	8
East Kent Hospitals University NHS Foundation Trust	8
Oxford University Hospitals NHS Foundation Trust	8
Frimley Health NHS Foundation Trust	8
Barnsley Hospital NHS Foundation Trust	7
University Hospitals Birmingham NHS Foundation Trust	7
University College London Hospitals NHS Foundation Trust	7
Northampton General Hospital NHS Trust	6
Mid and South Essex NHS Foundation Trust	6
Royal Wolverhampton NHS Trust (The)	6
Norfolk & Norwich University Hospitals NHS Foundation Trust	6
King's College Hospital NHS Foundation Trust	5
University Hospitals of North Midlands NHS Trust	5
Lancashire Teaching Hospitals NHS Foundation Trust	5
Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust	5
The Leeds Teaching Hospitals NHS Trust	5
Blackpool Teaching Hospitals NHS Foundation Trust	5
University Hospitals Coventry & Warwickshire NHS Trust	5
<b>Grand Total</b>	<b>345</b>