



Resolution

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October 2020
FOI_4810

The following information was requested on 12 October 2020:

- 1. The number of negligence claims that include the words coronavirus since January 2020 to the most recently available month please.*
- 2. A brief categorisation of the claim i.e. wrong medication for the above numbers please.*
- 3. The number of claims relating to corona virus that have already been settled, with the approximate total cost of those settlements.*
- 4. The number of unsettled claims relating to corona virus that are awaiting settlement or rejection.*
- 5. A copy of any guidance given by NHS resolution regarding how to handle claims arising from corona virus.*

Our Response

1. NHS Resolution has received a small number of claims where we have identified that Covid-19 may have been a factor or contributory factor in the events leading to the claims. These are being investigated under our principal clinical negligence indemnity scheme, the Clinical Negligence Scheme for Trusts. Investigations are at an early stage, but there is nothing to suggest that any of the claims involved a person contracting the virus while in hospital.

It's worth pointing out that where we refer to 'a small number of claims' above, this is in line with Freedom of Information guidelines whereby numbers of less than 5 are not normally referred to directly. Please see our reasoning for this below.

2. As above.
3. And Q4 - Please see our response to Q1. These claims are currently being investigated and have not been closed.
5. Please see the following links:- <https://resolution.nhs.uk/resources/covid-19-clinical-negligence-protocol-2020/> & <https://resolution.nhs.uk/covid-19-and-business-continuity/claims-management/>

In respect of Qs 1 - 4 we are unable to provide the numbers involved 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, 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.

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/>