



Resolution

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January 2021
FOI_4904

The following information was requested on 28 December 2020:

1. *In (i) 2019/2020 how many claims has the NHSLA paid out where the injury code has been removal of testicle and what was the total value paid out in damages for such claims?*
2. *Please state how many "removal of testicle" claims were linked to each separate type of cause code e.g. (wrong diagnosis, operation on wrong part of body etc.)? (Please note that this question relates to when the claims were paid regardless of when the incident took place or when the claim was lodged.)*

Our Response

Please find attached the requested information.

We have suppressed low figures 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. 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/>

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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: Number and Cost of Claims for Removal of Testicle Closed/Settled with damages paid between financial years 2019/2020](#)

[Table 2: Analysis of Primary Causes for Claims for Removal of Testicle Closed/Settled with damages paid between financial years 2019/2020](#)

Table 1: Number and Cost of Claims for Removal of Testicle Closed/Settled with damages paid between financial years 2019/2020

Closed_Settled	Y	
Clinical_NonClinical	Clinical	
Claim_Outcome_FOI	Damages Paid	
Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid
2019/20	19	486,749
Grand Total	19	486,749

Table 2: Analysis of Primary Causes for Claims for Removal of Testicle Closed/Settled with damages paid between financial years 2019/2020

Closed_Settled	Y
Clinical_NonClinical	Clinical
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)	
----- Primary Causes	No. of Claims
2019/20	19
Fail / Delay Treatment	#
Failure To Perform Operation	#
Failure/Delay Diagnosis	10
Inappropriate Treatment	#
Delay In Performing Operation	#
Operator Error	#
Fail/Delay Admitting To Hosp.	#
Failure To Perform Tests	#
Grand Total	19