



Resolution

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FOI_4906

The following information was requested on 31 December 2020:

<https://publications.parliament.uk/pa/cm201011/cmhansrd/cm110426/text/110426w0004.htm#11042736002085>

The link provided above shows a Parliamentary Written Answer in which the NHSLA provided details of the 100 largest claims under the clinical negligence scheme as at 31.3.11, taking into account damages paid and an estimate of damages yet to be paid.

Could you please provide me with a similar table showing just the largest ten claims as of 31.3.20 ensuring to include the same five column headings and the relevant detail in each of those columns?

Our Response

Please note we have since 2011 reviewed our governance processes in line with the changes to the Data Protection legislative framework. We therefore do not believe it is appropriate to disclose the level of information that has been previously disclosed.

Please find attached the information we are able to provide in the attached.

We are unable to provide you with the information in the way you have requested 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.

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. 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/>

Largest agreed damages for claims Closed/Settled by largest damages paid value at 31 March 2020

Total damages agreed	Number of claims	Injuries	Specialty
Approx. range 40,000,000 - 30,000,000	10	Brain Damage Cerebral Palsy	Obstetrics Paediatrics