



Resolution

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February 2021
FOI_4910

The following information was requested on 4 January 2021:

How many clinical negligence claims involving an injury code of (i) loss of sexual function, or (ii) impotence, were paid out by the NHSLA or NHS Resolution in each of the following financial years: 2015/16, 2016/17, 2017/18, 2018/19 and 2019/20?

What was the monetary value of payments made against those claims that were paid in each financial year, regardless of when the incident took place or the claim was lodged?

How many clinical negligence claims involving an injury code of (i) incontinence were paid out by the NHSLA or NHS Resolution in each of the following financial years: 2015/16, 2016/17, 2017/18, 2018/19 and 2019/20?

What was the monetary value of payments made against those claims that were paid in each financial year, regardless of when the incident took place or 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 FOI 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/>

Freedom of Information Request# : 4910

Data corrected as at 12/31/2020

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 costs of claims where Primary Injury code is 'Impotence' or 'Loss of sexual function' Closed/Settled with damages paid between financial years 2015/16 - 2019/20

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Data corrected as at 12/31/2020

Table 1 : Number and costs of claims where Primary Injury code is 'Impotence' or 'Loss of sexual function' Closed/Settled with damages paid between financial years 2015/16 - 2019/20

Closed_Settled	Scheme	Clinical_NonClinical	Claim_Outcome_FOI
Y	CNST	Clinical	Damages Paid

Closure_Year_or_PPOs_Settlement_Year	Number of Claims	Total Paid
2015/16	6	£1,851,141
2016/17	12	£1,550,824
2017/18	6	£662,867
2018/19	14	£1,525,186
2019/20	★	★

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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 costs of claims where Primary Injury is 'Incontinence' Closed/Settled with damages paid between financial years 2015/16 - 2019/20

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Data corrected as at 12/31/2020

Table 1 : Number and costs of claims where Primary Injury is 'Incontinence' Closed/Settled with damages paid between financial years 2015/16 - 2019/20

Closed_Settled	Scheme	Clinical_NonClinical	Claim_Outcome_FOI
Y	CNST	Clinical	Damages Paid

Closure_Year_or_PPOs_Settlement_Year	Number of Claims	Total Paid
2015/16	18	£5,764,745
2016/17	38	£11,451,656
2017/18	42	£5,798,115
2018/19	42	£8,835,494
2019/20	31	£6,774,126
Total	171	£38,624,136