



Resolution

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August 2020
FOI_4254

The following information was requested on 20 January 2020:

Under the Freedom of Information Act 2000, I am looking for information related to the following:

- 1. The number of amputations compensation cases settled in the UK over the past 10 years*
- 2. The highest settlement ever paid in an amputation compensation case*
- 3. Which hospital trust has the most settled amputation claims in the UK?*

Our Response

Please find attached the requested information.

We are unable to provide you with the highest settlement paid as that figure relates to one individual and 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. 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.

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 of Claims relating to amputation Closed/Settled with damages paid 2009/10 to 2018/19](#)

[Table 2: Hospital Trust with the most settled amputation claims in the last 10 years \(2009/10 to 2018/19\)](#)

Table 1: Number of Claims relating to amputation Closed/Settled with damages paid 2009/10 to 2018/19

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)	No_of_Claims
2009/10	70
2010/11	89
2011/12	88
2012/13	74
2013/14	108
2014/15	91
2015/16	83
2016/17	104
2017/18	108
2018/19	122
Grand Total	937

Table 2: Hospital Trust with the most settled amputation claims in the last 10 years (2009/10 to 2018/19)

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid
Closure_Year_or_PPOs_Settlement_Year	(Multiple Items)

Year of Closure (Settlement Year for PPOs)----- Member Name	No_of_Claims
Sheffield Teaching Hospitals NHS Foundation Trust	20
NHS Commissioning Board	20
Nottingham University Hospitals NHS Trust	20