



Resolution

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FOI_4991

The following information was requested on 13 March 2021:

1. The total amount, over the last 10 years, paid out to patients of the University Hospitals of Morecambe Bay NHS Foundation Trust relating to the orthopaedics department.

The total number of (settled) claims paid out to patients of the orthopaedics department at UHMBT over the last 10 years.

3. Can the above information be given for each year, over the last 10 years, i.e. 2013: 12 claims £25,000. 2014: 6 claims £10,000 etc.

Our Response

Please find attached the requested information. The data provided relates to financial years and not calendar years.

The data shows an increase in damages paid in relation to claims settled in the financial years 2018/19 and 2019/20. This is a reflection of the nature of individual claims received by NHS Resolution which can vary significantly in value even within the same discipline. As such these fluctuations cannot be interpreted as trends. The data provided reflects the number of claims settled and paid in each financial year and not the number of claims received in that year by NHS Resolution. Due to the nature of clinical negligence claims and the level of investigation needed to bring them to a resolution, claims received and notified in a specific year may take years to settle.

We have suppressed low numbers 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/>

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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: Damages paid and number of clinical Claims \(excluding GP schemes\) where the main Specialty is Orthopaedic Surgery for University Hospitals of Morecambe Bay NHS Foundation Trust that have been Closed/Settled between financial years 2010/11 to 2019/20](#)

Table 1: Damages paid and number of clinical Claims (excluding GP schemes) where the main Specialty is Orthopaedic Surgery for University Hospitals of Morecambe Bay NHS Foundation Trust that have been Closed/Settled between financial years 2010/11 to 2019/20

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid
2010/11	6	322,840
2011/12	#	#
2012/13	#	#
2013/14	8	372,588
2014/15	#	#
2015/16	6	232,804
2016/17	7	130,605
2017/18	8	583,815
2018/19	5	1,284,196
2019/20	8	1,083,226
Grand Total	57	4,265,212