



Resolution

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FOI_5079

The following information was requested on 1 June 2021:

1. How many clinical negligence claims involving amputation were paid out by the NHSLA in the year 2019/20 what was the monetary value of payments made against those claims, irrespective of when the claim was made? For each amputation please list the body part or limb involved. Please give the three NHS Trusts against whom the most successful claims were paid out in 2019/20 and how many claims related to each of those trusts.

2. How many clinical negligence claims involving blindness were paid out by the NHSLA in the year 2019/20 and what was the monetary value of payments made against those claims, irrespective of when the claim was made? Please give the three NHS Trusts against whom the most successful claims were paid out in 2019/20 and how many claims related to each of those trusts.

3. How many clinical negligence claims involving cosmetic disfigurement were paid out by the NHSLA in the year 2019/20, what was the monetary value of payments made against those claims, irrespective of when the claim was made? Please give the three NHS Trusts against whom the most successful claims were paid out in 2019/20 and how many claims related to each of those trusts.

Our Response

Please find attached the requested information.

We are unable to provide information about individual claims or information regarding the three NHS Trusts against whom the most successful claims were paid out 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 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 and costs of claims closed in the financial year 2019/20 with damages paid to date for amputation \(includes the damages paid to date for any claims settled on a periodical payment order basis\)](#)

[Table 2: Number and costs of claims closed in the financial year 2019/20 with damages paid for blindness \(includes the damages paid to date for any claims settled on a periodical payment order basis\)](#)

[Table 3: Number and costs of claims closed with damages paid in financial year 2019/20 for cosmetic disfigurement](#)

Table 1: Number and costs of claims closed in the financial year 2019/20 with damages paid to date for amputation (includes the damages paid to date for any claims settled on a periodical payment order basis)

Closed_Settled	Y
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs) ----- Primary Injury	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2019/20					
Amputation - Lower	113	39,196,662	3,229,118	12,425,967	54,851,747
Amputation - Upper	23	5,188,164	313,977	1,421,417	6,923,558
Grand Total	136	44,384,825	3,543,095	13,847,384	61,775,305

Table 2: Number and costs of claims closed in the financial year 2019/20 with damages paid for blindness (includes the damages paid to date for any claims settled on a periodical payment order basis)

Closed_Settled	Y
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs) ----- Primary Injury	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2019/20					
Blindness	76	19,601,982	1,539,083	5,358,575	26,499,640
Grand Total	76	19,601,982	1,539,083	5,358,575	26,499,640

Table 3: Number and costs of claims closed with damages paid in financial year 2019/20 for cosmetic disfigurement

Closed_Settled	Y
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs) ----- Primary Injury	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2019/20					
Cosmetic Disfigurement	31	2,147,894	376,915	1,983,851	4,508,660
Grand Total	31	2,147,894	376,915	1,983,851	4,508,660