



Resolution

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July 2021

FOI_5095

The following information was requested on 15 June 2021:

How many clinical negligence claims against were notified to you between the financial years 2015/16 to 2020/21 that involved the Walton Centre NHS Trust as a defendant and concerned spinal surgery? Please provide the figure for each year.

How many claims settled with compensation paid between the financial years 2015/16 to 2020/21 that involved the Walton Centre NHS Trust as a defendant and involved spinal surgery? Please provide the figure for each year.

If you cannot drill down the data to spinal surgery then please provide the figures for neurosurgery.

Our Response

The data for the financial year 2020/21 is currently unavailable as it is subject to an external audit. The audit is due to end in July 2021. The data for this period will be available in August 2021.

We can advise that in respect of the number of claims received between the financial years 2015/16 and 2019/20 that involved the Walton Centre NHS Trust relating to Neurosurgery speciality and with spinal damage injury the figure is below 5.

With regard to the number and cost of claims closed between the financial years 2015/16 and 2019/20 with damages paid that involved the Walton Centre NHS Trust relating to Neurosurgery speciality and with spinal damage injury the number of claims involved is below 5.

We have suppressed low figures and we are unable to provide you with the costs associated with these 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(3A)(a) 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 subject's medical condition); NHS Resolution believes it has a greater responsibility to protect those individual's 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

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