



Resolution

8th Floor,
10 South Colonnade
Canary Wharf
London
E14 4PU

Telephone: 020 7811 2700

September 2021
FOI_5153

The following information was requested on 11 August 2021:

Thank you for your response, and for your helpful guidance on the data available and the codes used by NHS Resolution.

As advised, please could you provide the high-level data relating to cases of assault, covering:

- A) the number of claims received in the last five calendar years: 2017, 2018, 2019, 2020 and 2021 to date*
- b) a breakdown by primary injury*
- c) numbers settled along with associated costs*
- d) numbers with no damages paid*
- e) numbers currently open*

Would it be possible to also provide that same information for cases relating to the code 'sexual abuse'?

Our Response

Please find attached the requested information. We are able to provide information for the financial years 2016/17 – 2020/21.

Please note claims notified/received and open are not guaranteed to be settled in the same year and can take many years to be concluded. Claims notified/received in any given year will often relate to incidents that have occurred many years prior.

Due to the nature of 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.

Many of the claims notified will have been repudiated and settled without damages paid.

The data shows an increase in damages paid in relation to claims closed in the financial year 2019/20. This is a reflection of the nature of individual claims received by NHS Resolution which can vary significantly. As such these fluctuations cannot be interpreted as trends.

Please note 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(3A) (a) 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.

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.

In terms of your request for sexual abuse claims do you mean claims where the primary cause was sexual abuse or claims where the primary injury was sexual abuse?

We are also currently in the process of carrying out a thematic review on staff related assault claims and this will look further into the claims that relate to staff. This piece of work does take more time as it requires a manual review of individual cases. We anticipate the review will be concluded by the end of November 2021.

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 received between financial years 2016/17 to 2020/21 for assault claims by Primary Injury.

*Note this is financial years by notification year which is the year claim was

Table 2: Number and Cost of Claims Closed with damages paid between financial years 2016/17 to 2020/21 for assault claims.

*Note this is financial years by year of closure which is the year claim was closed

Table 3: Number and Cost of Claims Closed with NIL damages paid between financial years 2016/17 to 2020/21 for assault claims.

*Note this is financial years by year of closure which is the year claim was closed

Table 4: Number of Claims received that are currently open between financial years 2016/17 to 2020/21 for assault claims.

*Note this is by financial years by notification year which is the year claim was

Table 1: Number of Claims received between financial years 2016/17 to 2020/21 for assault claims by Primary Injury.
*Note this is financial years by notification year which is the year claim was received rather than the year the incident took place

Notifications	Y
Scheme	LTPS
Cause1L1	Assault

Year of Notification	No. of Claims
2016/17	565
Facial Injuries	90
Head Injuries	67
Injuries to Internal Organs	14
Orthopaedic Injuries	333
Psychiatric Damage	39
Injuries affecting the senses	7
Burns	10
Scarring (Except Facial)	#
Other	#
2017/18	524
Facial Injuries	94
Head Injuries	63
Injuries to Internal Organs	13
Orthopaedic Injuries	306
Psychiatric Damage	28
Injuries affecting the senses	#
Burns	7
Damage to Hair	#
Fatality	#
Scarring (Except Facial)	#
Damage	#
Other	#
2018/19	622
Facial Injuries	115
Head Injuries	66
Injuries to Internal Organs	17
Orthopaedic Injuries	359
Psychiatric Damage	41
Injuries affecting the senses	10
Burns	7
Damage to Hair	#
Scarring (Except Facial)	#
Sickness/Disease	#
Other	#
2019/20	678
Facial Injuries	125
Head Injuries	94
Injuries to Internal Organs	16
Orthopaedic Injuries	379
Psychiatric Damage	40
Injuries affecting the senses	7
Burns	11
Damage to Hair	#
Scarring (Except Facial)	#
Other	#
2020/21	463
Facial Injuries	98
Head Injuries	64
Injuries to Internal Organs	13
Orthopaedic Injuries	233
Psychiatric Damage	37
Injuries affecting the senses	8
Burns	#
Damage to Hair	#
Fatality	#
Scarring (Except Facial)	#

Table 1: Number of Claims received between financial years 2016/17 to 2020/21 for assault claims by Primary Injury.
***Note this is financial years by notification year which is the year claim was received rather than the year the incident took place**

Notifications	Y
Scheme	LTPS
Cause1L1	Assault

Year of Notification	No. of Claims
Grand Total	2,852

Table 2: Number and Cost of Claims Closed with damages paid between financial years 2016/17 to 2020/21 for assault claims.

***Note this is financial years by year of closure which is the year claim was closed rather than the year the incident took place**

Closed_Settled	Y
Scheme	LTPS
Claim_Outcome_FOI	Damages Paid
Cause1L1	Assault

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2016/17	172	5,015,681	636,529	2,696,001	8,348,212
2017/18	154	3,004,330	729,907	2,601,476	6,335,713
2018/19	203	4,579,377	959,493	3,519,776	9,058,646
2019/20	223	8,173,520	1,266,838	3,762,723	13,203,081
2020/21	220	3,404,945	707,020	2,405,551	6,517,517
Grand Total	972	24,177,854	4,299,787	14,985,528	43,463,169

Table 3: Number and Cost of Claims Closed with NIL damages paid between financial years 2016/17 to 2020/21 for assault claims.

***Note this is financial years by year of closure which is the year claim was closed rather than the year the incident took place**

Closed_Settled	Y
Scheme	LTPS
Claim_Outcome_FOI	NIL Damages
Cause1L1	Assault

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2016/17	278	0	79,885	10,215	90,100
2017/18	323	0	156,102	12,395	168,497
2018/19	359	0	160,513	11,375	171,887
2019/20	407	0	386,736	9,262	395,998
2020/21	371	0	150,710	10,613	161,323
Grand Total	1,738	0	933,946	53,860	987,805

Table 4: Number of Claims received that are currently open between financial years 2016/17 to 2020/21 for assault claims.

*Note this is by financial years by notification year which is the year claim was received rather than the year the incident took place

Notifications	Y
Scheme	LTPS
Claim_Outcome_FOI	Open
Cause1L1	Assault

Year of Notification	No. of Claims
2016/17	27
2017/18	61
2018/19	135
2019/20	260
2020/21	277
Grand Total	760