



Resolution

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November 2021

FOI_5221

The following information was requested on 15th October 2021:

Please provide me with information held by NHS Resolution for the following years: 2017-18, 2019-20, 2020-21, 2021-22.

- Number of claims made where the cause code given was "sexual abuse"*
- Number of injury claims where the code given was "sexual abuse"*
- Number of claims closed where the injury code given was "sexual abuse"*
- Total amount paid out by NHS Resolution where the injury code was sexual abuse*

Our Response

Thank you for your request for information. Please find attached the requested information. We are unable to provide the information for the financial year 2021-22 as we are still currently in that financial year. However, we have included information for the year 2018/19. We hope this assists.

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 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.

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

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 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: Number of Claims received between financial years 2017/18 and 2020/21 where the primary injury was sexual abuse](#)

[Table 2: Number of Claims received between financial years 2017/18 and 2020/21 where the primary cause was sexual abuse](#)

[Table 3: Number of claims closed between financial years 2017/18 and 2020/21 with a damages payment where the primary cause or primary injury was sexual abuse](#)

Table 1: Number of Claims received between financial years 2017/18 and 2020/21 where the primary injury was sexual abuse

Notifications Injury1L1 Scheme	Y Sexual Abuse (All)
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Year of Notification	No. of Claims
2017/18	7
2018/19	5
2019/20	#
2020/21	#
Grand Total	19

Table 2: Number of Claims received between financial years 2017/18 and 2020/21 where the primary cause was sexual abuse

Notifications Cause1L1 Scheme	Y Sexual Abuse (All)
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Year of Notification	No. of Claims
2017/18	24
2018/19	20
2019/20	12
2020/21	10
Grand Total	66

Table 3: Number of claims closed between financial years 2017/18 and 2020/21 with a damages payment where the primary cause or primary injury was sexual abuse

Scheme	(All)
Claim_Outcome_FOI	Damages Paid
Closed_Settled	Y

Year of Closure	No. of Claims	Total Paid
2017/18	16	872,043
2018/19	26	1,316,193
2019/20	19	1,157,288
2020/21	17	859,601
Grand Total	78	4,205,125