



Resolution

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December 2021
FOI_5252

The following information was requested on 15 November 2021:

In a previous Fol response [Ref Fol_3040] you gave details on the number of times you engaged private detectives to investigate a potential claimants' day-to-day activities. This response provided data for 2013/14, 2014/15, 2015/16 and 2016/17. Could you now supply similar data, including cases where exaggeration of injury was observed, for 2020/21.

In relation to 2019/20 could you also provide a table showing the principal injury of those people who were investigated.

Our Response

NHS Resolution engages the services of our Panel Firm Solicitors to undertake investigative work. We can confirm that the services provided each year were the same. Those services relate to non-intrusive observation of a person undertaken to show day to day activities as well as social media research.

- **Number of new cases in which non-intrusive observation was undertaken:**

Financial year	No of cases
2020/21	8*

* Surveillance has been limited in 2020/21 due to periods of lockdown as a result of the Covid-19 pandemic.

- **Of those, the number of cases in which exaggeration was detected:**

Financial year	No of cases
2020/21	Less than 5

In regards to your request for: *In relation to 2019/20 could you also provide a table showing the principal injury of those people who were investigated.*

As this was provided in our response to [FOI 4874](#) we took the above to relate to 2020/21. Please find attached the requested information.

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 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: Analysis of Primary Injuries for new cases in which non-intrusive observation was undertaken during the financial year 2020/21](#)

Table 1: Analysis of Primary Injuries for new cases in which non-intrusive observation was undertaken during the financial year 2020/21

Year of Notification	No. of Claims
Adtnl/unnecessary Operation(s)	#
Advanced Stage Cancer	#
Bowel Damage/ Dysfunction	#
Nerve Damage	#
Other	#
Psychiatric/Psychological Dmge	#
Unnecessary Pain	#
Grand Total	8