



# Resolution

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March 2023  
FOI\_5773

The following information was requested on 19 January 2023:

*We're looking for some litigation/ damages data for ophthalmology claims.*

*We've come across this FOI with the data we're after, but only to 2020/21:*

[https://resolution.nhs.uk/wp-content/uploads/2021/09/FOI\\_5140\\_Ophthalmology.pdf](https://resolution.nhs.uk/wp-content/uploads/2021/09/FOI_5140_Ophthalmology.pdf)

*Would you be able to provide the data for 21/22 please?*

## Our Response

Please find attached the requested information.

**Please note:** we do occasionally change how we extract our data. This will mean that the search results generated from the Claims database will not always be consistent with historical results. Therefore, please bear in mind it may not be possible to compare historical datasets to current reports generated from the Claims database.

For example, we have used a static data set to generate the information for this request. It is based on information as at the end of each financial year.

**Table 1 shows:** Number of Claims **notified / received** in financial year 2021/22 for the Specialty **Ophthalmology**.

Due to changes in the way in which we extract our data we have not provided the data in table 1 split by status.

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.

**Table 2 shows:** Number and Cost of Claims Closed in financial year 2021/22 **with damages paid** for the Specialty **Ophthalmology** (includes the damages paid to date for any claims settled on a periodical payment order basis).

**Table 3 shows:** Number and Cost of Claims Closed in financial year 2021/22 with **NIL** damages paid for the Specialty **Ophthalmology**.

**Table 4 shows:** Analysis of **Primary Injuries** for Claims Closed in financial year 2021/22 with damages paid for the Specialty **Ophthalmology** (includes the damages paid to date for any claims settled on a periodical payment order basis)

**Table 5 shows:** Analysis of **Primary Causes** for Claims Closed in financial year 2021/22 with damages paid for the Specialty **Ophthalmology** (includes the damages paid to date for any claims settled on a periodical payment order basis)

## **PPOs**

The information disclosed includes damages paid out in the relevant period under Periodical payment orders (PPO) previously agreed on cases, which may have been resolved several years ago. It does not include sums, which have been committed on settlements in the relevant period under a PPO, which may not be paid out until future years. PPOs are an agreement between the parties, to pay an initial lump sum and regular future payments covering the injured party's ongoing care needs, usually for life i.e. a percentage of the full value of the claim is paid at the point of settlement with the balance paid at regular intervals over subsequent years.

## **Low Numbers**

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.

Further to our obligations to provide advice and assistance, you may find it helpful to review the work of the [Getting It Right First Time team](#) with whom NHS Resolution has been working with to undertake in-depth analysis of our claims data. They have produced a number of [reports](#) from analysing our claims data which has been shared following approval of the confidentiality advisory group to the use of confidential patient information for this purpose.

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](#), Deputy Director of Corporate and Information Governance, Data Protection Officer 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/>