



# Resolution

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March 2023

FOI\_5820

The following information was requested on 9<sup>th</sup> February 2023:

Follow up to [FOI 5730](#):-

*Thank you very much for providing data on damages and costs paid out for sexual harm claims in the NHS.*

*We have also been in touch with individual trusts, some of whom have given us their figures.*

*We intend to add those figures to the total you have supplied.*

*In order to avoid double counting, would it be possible to check whether your dataset contains figures supplied by any of the NHS Trusts listed below? If so, please can you let me know which ones?*

*Newcastle Upon Tyne Hospitals NHS Foundation Trust  
Walsall Healthcare NHS Trust  
Birmingham Women's and Children's NHS Foundation Trust  
Ashford and St Peter's Hospitals NHS Trust  
Bradford Teaching Hospitals NHS Foundation Trust  
East and North Hertfordshire NHS Trust  
Portsmouth Hospitals University NHS Trust  
Royal Cornwall Hospitals NHS Trust  
University Hospitals of North Midlands NHS Trust  
North East Ambulance Service NHS Foundation Trust  
Birmingham Community Healthcare NHS Foundation Trust  
Mersey Care NHS Foundation Trust  
Greater Manchester Mental Health NHS Foundation Trust  
Kent and Medway NHS and Social Care Partnership Trust  
Lancashire and South Cumbria NHS Foundation Trust  
Oxford Health NHS Foundation Trust  
Oxleas NHS Foundation Trust  
Pennine Care NHS Foundation Trust  
South West London and St George's Mental Health NHS Trust*

## **Our Response**

Thank you for your request for information. Please find attached the requested information. We cannot provide data on staff sexual abuse claims because these are handled under our non-clinical LTPS scheme and there is no specific cause code relating to sexual abuse.

The information disclosed is a breakdown of Table 2 from [FOI 5730](#). Please refer to this response **first**.

**Table 1 shows:** - Number and Cost of Clinical Claims Closed between financial years 2017/18 and 2021/22 with damages paid, where the primary cause or injury is "Sexual Abuse", broken down by member trust. (Scheme Breakdown for Department of Health)

**We note you have listed some Trusts you are interested in, in your request. Please note if these Trusts are not listed in the attached Table 1 that means they did not have any claims (that meet the criteria set) closed during this period.**

The large number of claims against Cambridge University Hospitals NHS Foundation Trust relate to the activities of a single disgraced clinician subsequently imprisoned for abusing children under their care.

Please note Claims recorded against the Department of Health and Social Care (showing as Department of Health) are liabilities arising from defunct NHS organisations, which transferred to the Secretary of State for Health and Social Care when those organisations were abolished.

[The NHS Resolution Directions 2013 and The NHS Resolution \(Amendment\) Direction 2013](#) directed NHS Resolution to handle and pay certain clinical claims where liability has transferred to the Secretary of State for Health and Social Care from abolished Primary Care Trusts (PCTs) and Strategic Health Authorities (SHAs). NHS Resolution was also directed to handle and pay claims against Public Health England. This "Scheme" is used to identify such claims and includes the majority of incidents which occurred prior to 01.04.13 for services provided by PCTs, some independent providers and SHAs.

### **Low numbers & Trusts with fewer than 5 Claims**

We have suppressed low figures and we have not provided the names of the Trusts with fewer than 5 claims, 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](#), 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/>

## TABLE OF CONTENTS

**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 and Cost of Clinical Claims Closed between financial years 2017/18 and 2021/22 with damages paid, where the primary cause or injury is "Sexual Abuse", broken down by member trust. \(Scheme Breakdown for Department of Health\)](#)

**Table 1: Number and Cost of Clinical Claims Closed between financial years 2017/18 and 2021/22 with damages paid, where the primary cause or injury is "Sexual Abuse", broken down by member trust. (Scheme Breakdown for Department of Health)**

Member Name	No. of Claims	NHS Legal Costs Paid	Claimant Legal Costs Paid	Damages Paid	Total Paid
Cambridge University Hospitals NHS Foundation Trust	30	70,392	488,425	1,125,250	1,684,067
Department of Health					
DHCL	11	37,634	139,800	336,750	514,184
ELSGP	#	#	#	#	#
Frimley Health NHS Foundation Trust	7	30,468	71,750	64,288	166,507
Kent and Medway NHS and Social Care Partnership Trust	6	39,953	211,002	200,431	451,385
University Hospitals Birmingham NHS Foundation Trust	#	#	#	#	#
Birmingham Women's and Children's NHS Foundation Trust	#	#	#	#	#
Livewell Southwest CIC	#	#	#	#	#
NHS Commissioning Board	#	#	#	#	#
Derbyshire Healthcare NHS Foundation Trust	#	#	#	#	#
Nottinghamshire Healthcare NHS Foundation Trust	#	#	#	#	#
Barnet, Enfield and Haringey Mental Health NHS Trust	#	#	#	#	#
Leicestershire Partnership NHS Trust	#	#	#	#	#
Calderdale & Huddersfield NHS Foundation Trust	#	#	#	#	#
East Lancashire Hospitals NHS Trust	#	#	#	#	#
Manchester University NHS Foundation Trust	#	#	#	#	#
East London NHS Foundation Trust	#	#	#	#	#
Western Sussex Hospitals NHS Trust	#	#	#	#	#
Essex Partnership University NHS Foundation Trust	#	#	#	#	#
Leeds & York Partnerships NHS Foundation Trust	#	#	#	#	#
Bedfordshire Hospitals NHS Foundation Trust	#	#	#	#	#
Cornwall Partnership NHS Foundation Trust	#	#	#	#	#
Norfolk & Norwich University Hospitals NHS Foundation Trust	#	#	#	#	#
East Kent Hospitals University NHS Foundation Trust	#	#	#	#	#
Tees, Esk and Wear Valleys NHS Foundation Trust	#	#	#	#	#
Camden and Islington NHS Foundation Trust	#	#	#	#	#
South London & Maudsley NHS Foundation Trust	#	#	#	#	#
South West London and St George's Mental Health NHS Trust	#	#	#	#	#
Greater Manchester Mental Health NHS Foundation Trust	#	#	#	#	#
The Christie NHS Foundation Trust	#	#	#	#	#
Hertfordshire Partnership NHS Foundation Trust	#	#	#	#	#
West London Mental Health NHS Trust	#	#	#	#	#
Avon & Wiltshire Mental Health Partnership NHS Trust	#	#	#	#	#
Whittington Health NHS Trust	#	#	#	#	#
Lancashire and South Cumbria NHS Foundation Trust	#	#	#	#	#
Lancashire Care NHS Foundation Trust	#	#	#	#	#
<b>Grand Total</b>	<b>95</b>	<b>422,420</b>	<b>1,959,958</b>	<b>2,795,033</b>	<b>5,177,411</b>