



Resolution

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May 2023
FOI_5955

The following information was requested on 3 May 2023:

I am interested in the amount of money that the NHS pays to nurses, specifically Operating Room (OR) nurse if possible, in compensation for physical injuries such as work-related musculoskeletal disorders, stress or other psychological health problems. My request is focused on health matters and accidents and does not include compensation claims for unfair dismissal or other unrelated matters.

I would like to request the following data:

- 1) *The names of the five NHS Trusts which paid out the largest amount of compensation payments to nurses in each of the past five financial years, broken down into different working units, including OR nurses:*
 - a) *The top five NHS Trusts for the financial year 2017/18*
 - b) *The top five NHS Trusts for the financial year 2018/19*
 - c) *The top five NHS Trusts for the financial year 2019/20*
 - d) *The top five NHS Trusts for the financial year 2020/21*
 - e) *The top five NHS Trusts for the financial year 2021/22*
- 2) *The number of compensation payments and the total financial amount of compensation payments paid out to nurses, broken down into separate categories summarizing the nature behind the compensation claims, for each of the respective top five NHS Trusts for each of the past five financial years, and further divided by different working units, including OR nurses.*

e.g., In the financial year 2014/15, NHS Trust A made 10 compensation payments relating to slip and trip accidents which added up to a total amount of £10,000.
- 3) *For each of the annual datasets for each Trust in 2), a breakdown of all individual claims for each NHS Trust and working unit, including the total amount of money paid to the claimant and information summarizing the nature behind each compensation claim.*

Thank you for your assistance. I look forward to receiving the requested information.

Our Response

We have interpreted your request as seeking information on employer's liability cases reported under our Liabilities to Third Parties Scheme (LTPS) – more information is available on our website: [Liabilities to Third Parties Scheme - NHS Resolution](#).

We are able to provide information on the total NHS staff claims. We are unable to readily identify specific claims made by Operating Room Nurses or by the occupation of the member of staff. We are not readily able to extract information about the role of the staff involved. This would involve a manual trawl through individual claims.

Therefore, we estimate that the cost of complying with the request would exceed the 'appropriate limit'. Section 12(1) of the Freedom of Information Act is a provision, which allows a public authority to refuse to comply with a request for information where the cost of compliance is estimated to exceed a set limit (known as the 'appropriate limit'). The 'appropriate limit' for NHS Resolution is £450. This equates to 18 hours of work at the rate of £25 per hour set out in the 'Fees Regulations'.

We estimate that it would take on average 10 minutes to locate, retrieve and extract the requested information from an individual file. It may therefore be the case that we would be able to examine only 108 files within 18 hours.

In addition, given the complexity of claims and their litigation, it is possible for a single electronic or paper-based file to contain hundreds of documents in a variety of formats.

Please also note even if we were able to carry out a review of 108 random files we may not be able to provide you with the level of detail you require owing to Data Protection grounds.

We would need to suppress low numbers or any information that could possibly lead to the identification of claimants, patients or individuals where disclosure would breach the General Data Protection Regulation. We would not be able to provide the information in the way you have set out your request.

Please, see NHS Resolution's FOI [disclosure log](#) and previous responses to similar requests, which may contain some of the information you are interested in: [FOI 4379 Compensation-payments-to-staff.pdf \(resolution.nhs.uk\)](#).

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 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

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