



# Resolution

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October 2022  
FOI\_5605

The following information was requested on 3 October 2022:

- 1. Please disclose what data NHS Resolution holds on NHS staff or former NHS staff who have developed long COVID.*
- 2. Does NHS Resolution hold national statistics on NHS staff who have developed long COVID? If so, what are the statistics?*
- 3. What type of database/ spreadsheet does NHS Resolution have on NHS staff who have developed long COVID?*
- 4. What are the names of the rows and columns in your database/ spreadsheet?*
- 5. Does NHS Resolution hold information on the number of claims that the NHS received from staff or former staff regarding personal injury due to long COVID?*
- 6. If so, please disclose the number of NHS staff or former staff who have made personal injury claims related to long COVID, and give a breakdown of the subgroups of staff or former staff according to any data held centrally by NHS Resolution on sub-groups.*
- 7. If NHS Resolution holds data centrally on the numbers of these claims by employing NHS trust, please give a breakdown of the numbers of claims received by employing NHS trust.*
- 8. Please disclose any guidance by NHS Resolution to NHS trusts about the risk of COVID related personal injury claims or the management of such claims.*

## Our Response

In terms of **Q1 – Q4** of your request for: *1. Please disclose what data NHS Resolution holds on NHS staff or former NHS staff who have developed long COVID.*

*2. Does NHS Resolution hold national statistics on NHS staff who have developed long COVID? If so, what are the statistics?*

*3. What type of database/ spreadsheet does NHS Resolution have on NHS staff who have developed long COVID?*

*4. What are the names of the rows and columns in your database/ spreadsheet?*

Please note this information is not held by NHS Resolution.

You may also wish to direct your enquiry to NHS England and NHS Improvement which now comes under NHS England. Contact details for NHS England are:

[england.contactus@nhs.net](mailto:england.contactus@nhs.net)

The role of NHS Resolution is:

- To manage clinical and non-clinical negligence claims on behalf of the members of our indemnity schemes and the beneficiaries of state-backed indemnity for general practice.
- To provide expert advice, support and interventions in relation to concerns about the individual performance of doctors, dentists and pharmacists.
- To offer an impartial tribunal service for the fair handling of appeals and disputes between NHS England and primary care contractors (GPs, dentists, opticians and pharmacists).
- To support members locally to better understand their claims risk profiles to target their safety activity and collaborate with others to sharing learning across the system at a national level.

For more information about NHS Resolution please visit our website: [Home - NHS Resolution](#)

In response to **Q5 – Q7** for:

*5. Does NHS Resolution hold information on the number of claims that the NHS received from staff or former staff regarding personal injury due to long COVID?*

*6. If so, please disclose the number of NHS staff or former staff who have made personal injury claims related to long COVID, and give a breakdown of the subgroups of staff or former staff according to any data held centrally by NHS Resolution on sub-groups.*

*7. If NHS Resolution holds data centrally on the numbers of these claims by employing NHS trust, please give a breakdown of the numbers of claims received by employing NHS trust.*

We are unable to answer this request, as we do not have an injury code for Long Covid.

We are unable to provide this information without interrogating individual claims files. Although NHS Resolution may hold some information relating to claims such as what you have requested (England only claims), due to the way claims are recorded on our claims database, we will not be able to identify such specific cases. It might be helpful

to explain that when claims are notified to NHS Resolution they are categorised against pre-defined cause, injury and speciality [codes](#). Unfortunately, we do not have a code that would allow us to readily extract claims where the *injury is due to long COVID*. Therefore, while there may be information held in our records, we are not readily able to identify the relevant files by searching the database. To do so would involve a manual review of all cases to identify the claims where the *injury is due to long COVID*. We estimate we would need to spend approximately 10 minutes reviewing each claims file to identify and extract the relevant information. We would need to review hundreds of claims.

Therefore, we estimate that the cost of complying with the request in its entirety would exceed the 'appropriate limit'. Section 12(1) of the FOIA 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'.

In addition, given the complexity of clinical negligence 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.

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.

As noted in our [Annual report and Accounts](#) page 19, it is too early to determine the impact from Covid-19 on future claims volumes and values due to normal time lags in claims being lodged – averaging 3.1 years. We continue to monitor the potential impact of future Covid-19 related claims associated with risks arising from delayed or missed treatments, and recovery in NHS activity rates, while adjusting future claims projections.

In response to Q8 which is: *8. Please disclose any guidance by NHS Resolution to NHS trusts about the risk of COVID related personal injury claims or the management of such claims.*

Please refer to the following webpages: [Clinical Negligence Scheme for Coronavirus Archives - NHS Resolution](#)

[Claims Management - NHS Resolution](#)

For details of the claims data that we publish please refer to our [Annual Report Statistics](#).

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/>