



Resolution

8th Floor,
10 South Colonnade
Canary Wharf
London
E14 4PU
Telephone: 020 7811 2700

September 2023
FOI_6157

The following information was requested on 1 September 2023:

Since Leicester Royal Infirmary was suspended from performing reconstructive maxillofacial surgery in 2016 by the Royal College of Surgeons:

- 1. How many clinical negligence claims related to maxillofacial surgery have been brought forward against the hospital?*
 - a. How many of these claims were successful and have been settled?*
 - b. What is the total sum the hospital has paid out in compensation and legal fees?*

Please provide the data to each question broken down by year

Our Response

Thank you for your request for information. We are able to provide information in financial years. As previously advised, we record claims data against individual Trusts.

Please find attached the requested information for the financial period: - 2015/16 to 2022/23.

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.

Please also note that the data shows variation in damages and costs paid in the relevant financial years. This is a reflection of the nature of individual claims received by NHS Resolution, which can vary significantly. As such, year on year fluctuations cannot necessarily be interpreted as trends.

Table 1 shows: - Number of Clinical Claims and Incidents for University Hospitals of Leicester NHS Trust received between the financial years 2015/16 and 2022/23, where the primary speciality is 'Oral & Maxillofacial Surgery'.

There were no Claims or incidents received in the financial years 2016/17 and 2022/23.

Table 2 shows: - The number and costs of claims for University Hospitals of Leicester NHS Trust closed between the financial years 2015/16 and 2022/23 with damages paid, where the primary speciality is 'Oral & Maxillofacial Surgery' (including PPOs paid to date).

There were no Claims closed in the financial years 2017/18 – 2019/20 with a damages payment.

Table 3 shows: - The number and costs of claims for University Hospitals of Leicester NHS Trust closed between the financial years 2015/16 and 2022/23 with **NIL** damages paid, where the primary speciality is 'Oral & Maxillofacial Surgery'.

There were no Claims closed in the financial years 2015/16; 2018/19, 2021/22 and in 2022/23 with **Nil** damages paid.

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/>

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 of Clinical Claims and Incidents received for University Hospitals of Leicester NHS Trust between the financial years 2015/16 and 2022/23, where the primary speciality is 'Oral & Maxillo Facial Surgery'.

Table 2: The number and costs of claims closed for University Hospitals of Leicester NHS Trust between the financial years 2015/16 and 2022/23 with damages paid, where the primary speciality is 'Oral & Maxillo Facial Surgery' (including PPOs paid to date).

Table 3: The number and costs of claims closed for University Hospitals of Leicester NHS Trust between the financial years 2015/16 and 2022/23 with NIL damages paid, where the primary speciality is 'Oral & Maxillo Facial Surgery'.

Table 1: Number of Clinical Claims and Incidents received for University Hospitals of Leicester NHS Trust between the financial years 2015/16 and 2022/23, where the primary speciality is 'Oral & Maxillo Facial Surgery'.

FOI View scheme	Notified CNST
--------------------	------------------

Year of Notification	No. of Claims
2015/16	#
2017/18	#
2018/19	15
2019/20	23
2020/21	#
2021/22	#
Grand Total	48

Table 2: The number and costs of claims closed for University Hospitals of Leicester NHS Trust between the financial years 2015/16 and 2022/23 with damages paid, where the primary speciality is 'Oral & Maxillo Facial Surgery' (including PPOs paid to date).

FOI View	Closed Settled
scheme	CNST
Claim_Outcome	Successful

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2015/16	#	#	#	#	#
2016/17	#	#	#	#	#
2020/21	6	406,753	49,248	128,750	584,751
2021/22	20	3,638,317	249,890	469,500	4,357,707
2022/23	12	2,736,100	231,354	396,800	3,364,254
Grand Total	41	6,826,365	547,680	1,111,812	8,485,858

Table 3: The number and costs of claims closed for University Hospitals of Leicester NHS Trust between the financial years 2015/16 and 2022/23 with NIL damages paid, where the primary speciality is 'Oral & Maxillo Facial Surgery'.

FOI View	Closed Settled
scheme	CNST
Claim_Outcome	Unsuccessful

Year of Closure (Settlement Year for PPOs)	No. of Claims	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2016/17	#	#	#	#
2017/18	#	#	#	#
2019/20	#	#	#	#
2020/21	#	#	#	#
Grand Total	5	5,949	0	5,949