



Resolution

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October 2023
FOI_6195

The following information was requested on 22 September 2023:

You have in the past ([FOI 5256](#)) kindly sent to me the breakdown of the numbers and causes of cases of litigation that had reached NHSR from five different specialties: Urology, Gynaecology, Orthopaedic Surgery, Emergency Medicine and General Surgery. The most recent information refers to the year 2020/2021. Can you kindly send me the same information in all five specialties for the years 2021/2022 and 2022/2023?"

Our Response

Please find attached the requested information. This information only covers England and not the rest of the UK.

We have provided data on clinical claims only.

NB: We have recently changed the way we report on our FOIs to align better with our published documents. Streamlining our reporting on FOIs with our annual published reports may mean a variation in snapshot dates. This means this data may not align with previous similar requests and it may not be possible for you to compare this information with a previous request. For further information, please refer to <https://resolution.nhs.uk/resources/understanding-nhs-resolution-data>.

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. Claims closed in any given year will often relate to claims received/notified many years prior.

The data shows variation in numbers of cases received per year. This is a reflection of the nature of individual claims received by NHS Resolution which can vary significantly. In some cases, this can be affected by an adverse issue involving a number of patients. As such these fluctuations cannot be interpreted as trends.

Table 1 shows: - Top 10 causes by Number of Clinical Claims and Incidents received between financial years 2021/22 and 2022/23, where the specialty is **Orthopaedic Surgery**.

Table 2 shows: - Top 10 causes by Number of Clinical Claims and Incidents received between financial years 2021/22 and 2022/23, where the specialty is **Emergency Medicine**.

Table 3 shows: - Top 10 causes by Number of Clinical Claims and Incidents received between financial years 2021/22 and 2022/23, where the specialty is **Gynaecology**.

Table 4 shows: - Top 10 causes by Number of Clinical Claims and Incidents received between financial years 2021/22 and 2022/23, where the specialty is **General Surgery**.

Table 5 shows: - Top 10 causes by Number of Clinical Claims and Incidents received between financial years 2021/22 and 2022/23, where the specialty is **Urology**.

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: Top 10 causes by Number of Claims and Incidents received between financial years 2021/22 and 2022/23, where the specialty is Orthopaedic Surgery.](#)

[Table 2: Top 10 causes by Number of Claims and Incidents received between financial years 2021/22 and 2022/23, where the specialty is Emergency Medicine.](#)

[Table 3: Top 10 causes by Number of Claims and Incidents received between financial years 2021/22 and 2022/23, where the specialty is Gynaecology.](#)

[Table 4: Top 10 causes by Number of Claims and Incidents received between financial years 2021/22 and 2022/23, where the specialty is General Surgery.](#)

[Table 5: Top 10 causes by Number of Claims and Incidents received between financial years 2021/22 and 2022/23, where the specialty is Urology.](#)

Table 1: Top 10 causes by Number of Claims and Incidents received between financial years 2021/22 and 2022/23, where the specialty is **Orthopaedic Surgery**.

scheme	(All)
FOI View	Notified
SpecialityLL1ARA	Orthopaedic Surgery
Clinical	Clinical

Year of Notification	No. Claims
2021/22	
Fail / Delay Treatment	354
Failure/Delay Diagnosis	164
Inappropriate Treatment	102
Fail To Warn-Informed Consent	81
Intra-Op Problems	80
Operator Error	54
Inadequate Nursing Care	42
Delay In Performing Operation	38
Failure To Interpret X-Ray	31
Fail To Recog. Complication Of	28
2021/22 Total	974
2022/23	
Fail / Delay Treatment	317
Failure/Delay Diagnosis	119
Inappropriate Treatment	95
Intra-Op Problems	79
Fail To Warn-Informed Consent	75
Operator Error	60
Inadequate Nursing Care	47
Perform. Of Op. Not Indicated	37
Failure To Interpret X-Ray	34
Fail To Recog. Complication Of	28
Fail To Follow-Up Arrangements	28
2022/23 Total	919
Grand Total	1,893

Table 2: Top 10 causes by Number of Claims and Incidents received between financial years 2021/22 and 2022/23, where the specialty is **Emergency Medicine**.

scheme	(All)
FOI View	Notified
Speciality1L1ARA	Emergency Medicine
Clinical	Clinical

Year of Notification	No. Claims
2021/22	
Failure/Delay Diagnosis	404
Fail / Delay Treatment	358
Failure To Perform Tests	60
Failure To Interpret X-Ray	59
Failure To X-Ray	47
Inadequate Nursing Care	45
Inappropriate Treatment	34
Fail/Delay Admitting To Hosp.	22
Fail To Follow-Up Arrangements	21
Medication Errors	16
Fail To Act On Abnorm Test Res	16
2021/22 Total	1,082
2022/23	
Failure/Delay Diagnosis	454
Fail / Delay Treatment	361
Failure To X-Ray	64
Failure To Perform Tests	54
Failure To Interpret X-Ray	53
Inadequate Nursing Care	47
Inappropriate Treatment	42
Inappropriate Discharge	30
Medication Errors	24
Fail To Act On Abnorm Test Res	21
2022/23 Total	1,150
Grand Total	2,232

Table 3: Top 10 causes by Number of Claims and Incidents received between financial years 2021/22 and 2022/23, where the specialty is **Gynaecology**.

scheme	(All)
FOI View	Notified
Speciality1L1ARA	Gynaecology
Clinical	Clinical

Year of Notification	No. Claims
2021/22	
Fail To Warn-Informed Consent	337
Fail / Delay Treatment	96
Inappropriate Treatment	54
Failure/Delay Diagnosis	50
Intra-Op Problems	46
Fail To Recog. Complication Of	25
Failure To Perform Tests	16
Operator Error	15
Delay In Performing Operation	10
Fail To Interpret USS	8
2021/22 Total	657
2022/23	
Fail To Warn-Informed Consent	211
Fail / Delay Treatment	108
Failure/Delay Diagnosis	76
Intra-Op Problems	34
Inappropriate Treatment	29
Fail To Recog. Complication Of	23
Operator Error	21
Foreign Body Left In Situ	19
Failure To Perform Tests	11
Fail To Follow-Up Arrangements	10
2022/23 Total	542
Grand Total	1,199

Table 4: Top 10 causes by Number of Claims and Incidents received between financial years 2021/22 and 2022/23, where the specialty is General Surgery.

scheme	(All)
FOI View	Notified
Speciality1L1ARA	General Surgery
Clinical	Clinical

Year of Notifications	No. Claims
2021/22	
Fail / Delay Treatment	166
Failure/Delay Diagnosis	101
Fail To Warn-Informed Consent	89
Intra-Op Problems	68
Inappropriate Treatment	48
Operator Error	33
Delay In Performing Operation	23
Fail To Recog. Complication Of	20
Fail To Follow-Up Arrangements	20
Failure To Perform Tests	17
2021/22 Total	585
2022/23	
Fail / Delay Treatment	193
Failure/Delay Diagnosis	80
Intra-Op Problems	58
Fail To Warn-Informed Consent	55
Operator Error	40
Inappropriate Treatment	37
Inadequate Nursing Care	25
Foreign Body Left In Situ	20
Delay In Performing Operation	20
Medication Errors	19
2022/23 Total	547
Grand Total	1,132

Table 5: Top 10 causes by Number of Claims and Incidents received between financial years 2021/22 and 2022/23, where the specialty is Urology.

scheme	(All)
FOI View	Notified
Speciality1L1ARA	Urology
Clinical	Clinical

Year of Notification	No. Claims
2021/22	
Fail / Delay Treatment	80
Failure/Delay Diagnosis	52
Fail To Warn-Informed Consent	27
Fail To Follow-Up Arrangements	26
Inappropriate Treatment	22
Delay In Performing Operation	14
Intra-Op Problems	10
Failure To Perform Tests	8
Fail To Infrm Test Rslts	5
Operator Error	5
Wrong Diagnosis	5
Fail To Act On Abnorm Test Res	5
2021/22 Total	259
2022/23	
Fail / Delay Treatment	66
Failure/Delay Diagnosis	38
Inappropriate Treatment	21
Fail To Follow-Up Arrangements	19
Fail To Warn-Informed Consent	13
Operator Error	8
Foreign Body Left In Situ	7
Inadequate Nursing Care	6
Failed Infection Control Policy/Hospital Hygiene	6
Fail To Supervise	5
2022/23 Total	189
Grand Total	448