



## Resolution

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December 2023

FOI\_6304

The following information was requested on 4<sup>th</sup> December 2023:

*I am writing to request information under the Freedom of Information Act 2000.*

*I would like to request data relating to claims made in the specialty of urology from financial years 2006/07 up to and including 2022/23. I would like to specifically request information on:*

- (i) the number of clinical claims/incidents made per financial year.*
- (ii) the number of clinical claims closed (or settled as a PPO) per financial year and the associated costs (damages paid, NHS legal costs paid, claimant legal costs paid) incurred per financial year.*
- (iii) Of all the clinical claims closed/settled during this period (2006/07-2022/23), a breakdown of the primary causes as well as the costs (damages paid, NHS legal costs paid, claimant legal costs paid) associated with each primary cause.*
- (iv) the number of unsuccessful (i.e. with nil damages paid) clinical claims during this period (2006/07-2022/23) with their associated NHS legal costs paid and claimant legal costs paid.*

### Our Response

Thank you for your request for information. Please find attached the requested information. Please note we only hold information for England.

**Please note:** 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>.

Claims notified/received in any given year will often relate to incidents that have occurred many years prior. Due to the nature of 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 and close. They are not guaranteed to be settled and closed in the same year. As such, there will be a time gap between incident and claim closure.

Due to the way in which data is extracted, it is also possible that the same claim may appear more than once in a dataset, across different year groups e.g. where the case has been closed (as unsuccessful), challenged, reopened and closed again at conclusion.

The data shows variation in numbers of cases received, closed per year and costs attributed to those claims. 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:** - Number of Clinical Claims and Incidents received between financial years 2006/07 and 2022/23 where the Specialty is '**Urology**'.

**Table 2 shows:** - Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2006/07 and 2022/23 where the Specialty is '**Urology**' with a damages payment. Breakdown by year. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

**Table 3 shows:** - Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2006/07 and 2022/23 where the Specialty is '**Urology**' with a damages payment. Breakdown by Primary Cause. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

**Table 4 shows:** - Number and Cost of Clinical Claims Closed between financial years 2006/07 and 2022/23 with **NIL** damages paid where the Specialty is '**Urology**'. Breakdown by Year. The data includes the legal costs paid up until the end of each relevant financial year of closure.

## **PPOs**

The information disclosed includes damages and costs paid up to the end of the settlement year (in Periodical payment order (PPO) cases) and up to the end of the closure year in non-PPO cases.

PPOs are an agreement between the parties, to pay an initial lump sum and regular future payments (PPO damages) related to the injured party's ongoing needs, usually care for life i.e., a percentage of the full value of the claim is paid at the point of settlement (lump sum damages) with the balance paid at regular intervals over

subsequent years. The information disclosed includes lump sum damages, costs and any PPO damages paid up to the end of the year of settlement. It does not include PPO damages, which have been committed to but due to be paid after the settlement year.

### **Low Numbers**

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 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.

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 between financial years 2006/07 and 2022/23 where the Specialty is 'Urology'.

Table 2: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2006/07 and 2022/23 where the Specialty is 'Urology'. Breakdown by year. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

Table 3: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2006/07 and 2022/23 where the Specialty is 'Urology'. Breakdown by Primary Cause. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

Table 4: Number and Cost of Clinical Claims Closed between financial years 2006/07 and 2022/23 with NIL damages paid where the Specialty is 'Urology'. Breakdown by Year. The data includes the legal costs paid up until the end of each relevant financial year of closure.

Table 1: Number of Clinical Claims and Incidents received between financial years 2006/07 and 2022/23 where the Specialty is 'Urology'.

| FOI View             | Notified      |
|----------------------|---------------|
| Year of Notification | No. of Claims |
| 2006/07              | 136           |
| 2007/08              | 111           |
| 2008/09              | 132           |
| 2009/10              | 128           |
| 2010/11              | 157           |
| 2011/12              | 173           |
| 2012/13              | 223           |
| 2013/14              | 273           |
| 2014/15              | 285           |
| 2015/16              | 314           |
| 2016/17              | 348           |
| 2017/18              | 339           |
| 2018/19              | 319           |
| 2019/20              | 345           |
| 2020/21              | 287           |
| 2021/22              | 308           |
| 2022/23              | 246           |
| <b>Grand Total</b>   | <b>4,124</b>  |

**Table 2: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2006/07 and 2022/23 where the Specialty is 'Urology'. Breakdown by year. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.**

|               |                |
|---------------|----------------|
| FOI View      | Closed Settled |
| 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         |
|--------------------------------------------|---------------|--------------------|----------------------|---------------------------|--------------------|
| 2006/07                                    | 76            | 1,867,014          | 435,658              | 1,180,695                 | 3,483,368          |
| 2007/08                                    | 85            | 8,383,780          | 966,712              | 3,040,612                 | 12,391,105         |
| 2008/09                                    | 74            | 4,592,180          | 637,038              | 2,059,014                 | 7,288,232          |
| 2009/10                                    | 75            | 2,125,318          | 292,505              | 1,607,714                 | 4,025,537          |
| 2010/11                                    | 115           | 6,929,103          | 1,181,900            | 4,498,856                 | 12,609,859         |
| 2011/12                                    | 118           | 4,626,423          | 650,746              | 3,400,989                 | 8,678,158          |
| 2012/13                                    | 122           | 6,083,359          | 814,744              | 4,529,539                 | 11,427,642         |
| 2013/14                                    | 124           | 5,613,687          | 944,867              | 4,760,550                 | 11,319,103         |
| 2014/15                                    | 142           | 6,133,447          | 926,485              | 5,417,188                 | 12,477,120         |
| 2015/16                                    | 143           | 5,924,433          | 1,146,070            | 6,629,358                 | 13,699,860         |
| 2016/17                                    | 172           | 7,255,434          | 1,230,686            | 6,190,679                 | 14,676,799         |
| 2017/18                                    | 187           | 8,305,812          | 1,482,946            | 7,724,532                 | 17,513,289         |
| 2018/19                                    | 210           | 14,686,115         | 1,820,894            | 9,005,176                 | 25,512,185         |
| 2019/20                                    | 218           | 16,976,762         | 2,279,257            | 9,456,693                 | 28,712,711         |
| 2020/21                                    | 196           | 10,426,485         | 2,071,954            | 8,000,756                 | 20,499,196         |
| 2021/22                                    | 237           | 15,481,582         | 2,317,512            | 10,654,371                | 28,453,465         |
| 2022/23                                    | 217           | 19,130,184         | 2,039,111            | 10,306,661                | 31,475,956         |
| <b>Grand Total</b>                         | <b>2,511</b>  | <b>144,541,117</b> | <b>21,239,086</b>    | <b>98,463,382</b>         | <b>264,243,585</b> |

**Table 3: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2006/07 and 2022/23 where the Specialty is 'Urology'. Breakdown by Primary Cause. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.**

|               |                |
|---------------|----------------|
| FOI View      | Closed Settled |
| Claim_Outcome | Successful     |

| Primary Cause                                    | No. of Claims | Damages Paid       | NHS Legal Costs Paid | Claimant Legal Costs Paid |
|--------------------------------------------------|---------------|--------------------|----------------------|---------------------------|
| Fail / Delay Treatment                           | 525           | 26,417,127         | 4,753,975            | 21,111,168                |
| Failure/Delay Diagnosis                          | 364           | 27,843,211         | 3,444,159            | 15,910,091                |
| Intra-Op Problems                                | 229           | 18,007,911         | 2,609,074            | 11,823,949                |
| Inappropriate Treatment                          | 207           | 10,026,057         | 1,999,731            | 8,531,667                 |
| Fail To Warn-Informed Consent                    | 166           | 8,232,714          | 1,247,282            | 6,432,703                 |
| Fail To Follow-Up Arrangements                   | 104           | 5,052,578          | 643,131              | 3,602,319                 |
| Foreign Body Left In Situ                        | 88            | 1,899,007          | 320,172              | 1,639,683                 |
| Operator Error                                   | 87            | 4,332,064          | 629,807              | 3,277,151                 |
| Fail To Recog. Complication Of                   | 85            | 7,223,308          | 1,000,657            | 4,176,182                 |
| Inadequate Nursing Care                          | 80            | 3,075,146          | 379,661              | 2,017,313                 |
| Delay In Performing Operation                    | 61            | 1,929,824          | 418,414              | 2,118,602                 |
| Fail To Act On Abnorm Test Res                   | 58            | 3,187,848          | 374,529              | 1,990,295                 |
| 23 Primary Causes with less than 5 claims        | 53            | 2,682,948          | 358,732              | 1,781,175                 |
| Failure To Perform Tests                         | 44            | 3,223,930          | 333,467              | 1,606,077                 |
| Medication Errors                                | 36            | 2,152,627          | 315,950              | 1,373,225                 |
| Wrong Diagnosis                                  | 31            | 726,905            | 161,139              | 713,404                   |
| Perform. Of Op. Not Indicated                    | 26            | 1,239,923          | 340,902              | 1,261,738                 |
| Failure To Perform Operation                     | 25            | 1,219,892          | 125,590              | 846,453                   |
| Lack Of Assistance/Care                          | 25            | 1,865,013          | 175,135              | 660,469                   |
| Other                                            | 16            | 183,105            | 50,448               | 377,038                   |
| Fail To Supervise                                | 14            | 382,405            | 49,984               | 363,436                   |
| Equipment Malfunction                            | 14            | 536,870            | 63,653               | 393,499                   |
| Inadequate Monitoring Intra-Op                   | 14            | 1,724,165          | 190,263              | 735,303                   |
| Fail To Carry Out PO Observs.                    | 13            | 4,225,974          | 218,319              | 956,928                   |
| Inappropriate Discharge                          | 13            | 1,682,100          | 181,438              | 534,670                   |
| Retained Instrument Post-Operation               | 12            | 259,489            | 34,094               | 272,638                   |
| Failure To Interpret X-Ray                       | 12            | 605,345            | 65,455               | 507,520                   |
| Lack Of Pre-Op Evaluation                        | 11            | 191,000            | 43,855               | 376,032                   |
| Bacterial Infection                              | 11            | 960,722            | 99,944               | 609,225                   |
| Err With Agnt/Dose/Route/Selec                   | 10            | 672,750            | 115,233              | 434,800                   |
| Wrong Site Surgery                               | 10            | 297,250            | 5,765                | 121,850                   |
| Surg Foreign Body Left In Situ                   | 9             | 218,575            | 40,318               | 194,978                   |
| Fail/Delay Referring To Hosp.                    | 9             | 730,499            | 76,796               | 357,982                   |
| Application Of Excess Force                      | 8             | 598,720            | 82,660               | 279,362                   |
| Failed Sterilisation                             | 7             | 122,047            | 44,553               | 224,050                   |
| Failure To X-Ray                                 | 7             | 205,600            | 25,012               | 171,443                   |
| Diathermy Burns/react. To Prep                   | 7             | 210,198            | 180,294              | 431,442                   |
| Cross Infection                                  | 5             | 33,500             | #                    | 19,561                    |
| Failed Infection Control Policy/Hospital Hygiene | 5             | 68,000             | 14,442               | 71,000                    |
| Fail To Infrm Test Rslts                         | 5             | 262,969            | 25,053               | 144,360                   |
| Probs With Medical Records                       | 5             | 31,800             | #                    | 12,600                    |
| <b>Grand Total</b>                               | <b>2,511</b>  | <b>144,541,117</b> | <b>21,239,086</b>    | <b>98,463,382</b>         |

**Table 4: Number and Cost of Clinical Claims Closed between financial years 2006/07 and 2022/23 with NIL damages paid where the Specialty is 'Urology'. Breakdown by Year. The data includes the legal costs paid up until the end of each relevant financial year of closure.**

|               |                |
|---------------|----------------|
| FOI View      | Closed Settled |
| Claim_Outcome | Unsuccessful   |

| Year of Closure    | No. of Claims | NHS Legal Costs Paid | Claimant Legal Costs Paid |
|--------------------|---------------|----------------------|---------------------------|
| 2006/07            | 72            | 157,182              | #                         |
| 2007/08            | 54            | 164,040              | #                         |
| 2008/09            | 57            | 138,766              | #                         |
| 2009/10            | 53            | 150,263              | #                         |
| 2010/11            | 51            | 62,050               | 0                         |
| 2011/12            | 48            | 81,275               | 0                         |
| 2012/13            | 85            | 236,055              | 6,666                     |
| 2013/14            | 98            | 288,850              | 16,850                    |
| 2014/15            | 118           | 164,797              | 0                         |
| 2015/16            | 112           | 233,065              | #                         |
| 2016/17            | 139           | 264,577              | 0                         |
| 2017/18            | 142           | 375,811              | 12,018                    |
| 2018/19            | 151           | 420,527              | 5,500                     |
| 2019/20            | 150           | 373,910              | #                         |
| 2020/21            | 123           | 514,391              | #                         |
| 2021/22            | 88            | 332,615              | 18,628                    |
| 2022/23            | 98            | 448,998              | 0                         |
| <b>Grand Total</b> | <b>1,639</b>  | <b>4,407,171</b>     | <b>67,864</b>             |