



Resolution

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June 2024

FOI_6527

The following information was requested on 6 May 2024:

Follow up to - [FOI 6436 Podiatry.pdf \(resolution.nhs.uk\)](#)

*Many thanks for supplying the claims for podiatry under the FOI. Are you able to send me for the same period the details for **orthopaedics**?*

Our Response

Please find attached the requested information we are able to provide. This information only covers England and not the rest of the UK. We are able to provide the requested information for Orthopaedic Surgery.

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 [Understanding NHS Resolution data - NHS Resolution](#)

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 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 nil damages payment), 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

and resolved by NHS Resolution which can vary significantly. As such these fluctuations cannot be interpreted as trends.

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

Table 2: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2006/07 and 2022/23 with a damages payment, where the Specialty is **Orthopaedic Surgery**. 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 between financial years 2006/07 and 2022/23 with **NIL** damages paid where the Specialty is **Orthopaedic Surgery**.

Table 4: Analysis of Primary Causes for Clinical Claims Closed (or settled with a periodical payment order) between financial years 2006/07 and 2022/23 with a damages payment where the Specialty is **Orthopaedic Surgery**. 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 5: Analysis of Primary Injuries for Clinical Claims Closed (or settled with a periodical payment order) between financial years 2006/07 and 2022/23 with a damages payment where the Specialty is **Orthopaedic Surgery**. 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.

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 figures

We have not provided the information for low figures involved 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.

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 several [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.

Please refer to [Understanding NHS Resolution data](#) guidance for further details on how our Claims database is categorised.

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

<https://ico.org.uk/>

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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/or Incidents received between financial years 2006/07 and 2022/23 where the Specialty is Orthopaedic Surgery.

Table 2: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2006/07 and 2022/23 with a damages payment, where the Specialty is Orthopaedic Surgery. 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.

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Table 5: Analysis of Primary Injuries for Clinical Claims Closed (or settled with a periodical payment order) between financial years 2006/07 and 2022/23 with a damages payment where the Specialty is Orthopaedic Surgery. 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 1: Number of Clinical Claims and/or Incidents received between financial years 2006/07 and 2022/23 where the Specialty is Orthopaedic Surgery.

FOI View	Notified
Year of Notification	No. of Claims
2006/07	817
2007/08	903
2008/09	950
2009/10	934
2010/11	1,172
2011/12	1,434
2012/13	1,580
2013/14	1,736
2014/15	1,627
2015/16	1,505
2016/17	1,379
2017/18	1,281
2018/19	1,262
2019/20	1,361
2020/21	1,256
2021/22	1,203
2022/23	1,127
Grand Total	21,527

Table 2: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2006/07 and 2022/23 with a damages payment, where the Specialty is Orthopaedic Surgery. 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	490	27,788,982	5,026,615	10,814,819	43,630,417
2007/08	492	30,555,120	4,970,413	12,561,727	48,087,260
2008/09	453	30,412,272	5,185,997	14,385,355	49,983,624
2009/10	568	45,922,607	6,408,558	19,917,250	72,248,415
2010/11	853	70,753,804	9,198,297	30,885,900	110,838,000
2011/12	854	77,430,435	8,133,251	31,531,328	117,095,013
2012/13	840	63,322,878	7,147,317	32,002,934	102,473,129
2013/14	873	73,862,802	8,872,313	39,658,952	122,394,067
2014/15	926	76,455,932	9,479,796	42,798,466	128,734,194
2015/16	925	76,032,833	10,739,800	50,625,506	137,398,138
2016/17	1,090	89,951,201	13,896,940	62,319,321	166,167,461
2017/18	1,011	96,358,356	14,051,688	59,892,684	170,302,728
2018/19	925	86,050,010	12,236,898	50,746,418	149,033,325
2019/20	1,009	100,660,315	14,567,199	53,863,044	169,090,558
2020/21	877	97,639,132	12,979,543	48,006,901	158,625,576
2021/22	960	121,218,767	15,155,852	57,814,032	194,188,651
2022/23	858	80,556,074	11,939,910	45,945,696	138,441,680
Grand Total	14,004	1,244,971,520	169,990,386	663,770,333	2,078,732,238

Table 3: Number and Cost of Clinical Claims Closed between financial years 2006/07 and 2022/23 with NIL damages paid where the Specialty is Orthopaedic Surgery.

FOI View	Closed Settled
Claim_Outcome	Unsuccessful

Year of Closure (Settlement Year for PPOs)	No. of Claims	NHS Legal Costs Paid	Claimant Legal Costs Paid
2006/07	474	1,243,695	11,008
2007/08	468	1,064,284	141,133
2008/09	397	804,171	#
2009/10	394	715,623	5,212
2010/11	417	1,223,511	#
2011/12	448	812,429	#
2012/13	564	1,142,913	47,750
2013/14	682	1,399,893	79,550
2014/15	730	1,789,831	113,849
2015/16	708	1,944,140	107,201
2016/17	692	2,470,290	96,934
2017/18	616	2,053,772	13,663
2018/19	583	2,503,999	42,523
2019/20	522	2,040,368	56,603
2020/21	455	1,871,476	62,200
2021/22	484	2,804,110	121,964
2022/23	439	2,557,095	39,250
Grand Total	9,073	28,441,600	940,372

Table 4: Analysis of Primary Causes for Clinical Claims Closed (or settled with a periodical payment order) between financial years 2006/07 and 2022/23 with a damages payment where the Specialty is Orthopaedic Surgery. 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 Causes	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Causes with less than 5 claims(12 Causes)	26	2,618,616	374,057	665,664	3,658,337
Fail / Delay Treatment	2,936	256,881,793	37,062,673	144,225,135	438,169,600
Failure/Delay Diagnosis	1,982	194,996,157	26,059,702	99,191,457	320,247,316
Intra-Op Problems	1,927	224,419,292	27,598,321	106,529,660	358,547,273
Inappropriate Treatment	1,272	119,881,457	17,275,031	65,730,547	202,887,034
Operator Error	726	54,999,421	6,941,653	30,993,135	92,934,209
Inadequate Nursing Care	603	23,962,489	3,347,732	17,510,237	44,820,458
Fail To Recog. Complication Of	583	73,201,681	9,982,915	37,109,295	120,293,890
Fail To Warn-Informed Consent	562	56,153,828	8,989,311	32,188,365	97,331,504
Failure To Interpret X-Ray	331	17,312,834	2,447,740	11,342,732	31,103,306
Delay In Performing Operation	260	25,217,327	3,058,718	11,281,470	39,557,515
Failure To X-Ray	227	13,183,811	1,899,772	8,016,964	23,100,546
Failure To Perform Operation	171	13,004,178	1,833,756	7,463,394	22,301,327
Lack Of Assistance/Care	170	6,090,259	1,093,909	4,678,155	11,862,323
Fail To Follow-Up Arrangements	169	6,860,991	1,271,824	5,279,281	13,412,096
Foreign Body Left In Situ	165	5,556,965	938,186	4,787,607	11,282,758
Medication Errors	135	7,332,279	965,757	4,150,383	12,448,419
Perform. Of Op. Not Indicated	133	8,638,712	1,532,023	5,876,322	16,047,057
Fail To Supervise	131	9,573,580	1,146,121	4,242,741	14,962,442
Failure To Perform Tests	104	16,856,037	1,770,003	6,382,070	25,008,110
Bacterial Infection	101	13,238,151	2,166,233	7,258,971	22,663,354
Lack Of Pre-Op Evaluation	89	8,807,282	1,017,575	3,803,783	13,628,640
Diathermy Burns/react. To Prep	89	1,672,995	306,917	1,500,574	3,480,487
Fail To Carry Out PO Observs.	86	10,624,517	1,132,097	4,230,361	15,986,975
Equipment Malfunction	85	6,890,299	695,676	3,135,275	10,721,249
Wrong Diagnosis	80	7,998,087	1,081,198	4,001,380	13,080,665
Poor Application Of Plstr Cast	79	1,710,585	423,794	1,831,532	3,965,911
Inappropriate Discharge	77	4,851,805	865,034	3,189,345	8,906,184
Inadequate Monitoring Intra-Op	76	6,698,470	819,175	3,762,421	11,280,066
Other	67	3,680,741	451,364	2,211,553	6,343,658
Err With Agnt/Dose/Route/Selec	66	4,917,484	538,608	2,329,404	7,785,495
Fail To Act On Abnorm Test Res	63	7,073,661	763,624	2,801,048	10,638,333
Wrong Site Surgery	52	2,340,091	337,559	1,465,408	4,143,059
Lack Of Facilities/Equipment	46	954,532	120,090	755,684	1,830,306
Wrong Site Surgery (Never Event)	38	1,071,865	127,411	578,244	1,777,519
Op. On Wrong Patient/Body Part	36	739,707	57,561	295,068	1,092,337
Failed Infection Control Policy/Hospital Hygiene	28	4,564,498	447,537	1,665,233	6,677,269
Fail/Delay Referring To Hosp.	27	3,918,109	494,953	2,115,745	6,528,806
Cross Infection	26	1,070,983	301,137	948,285	2,320,404
Application Of Excess Force	22	1,504,940	263,778	996,328	2,765,046
Inapprop. Case Selection	19	6,175,150	532,290	1,909,595	8,617,035
Fail/Delay Admitting To Hosp.	15	2,519,535	248,527	786,302	3,554,365
Incorrect Injection Site	14	353,750	79,537	274,594	707,881
Surg Foreign Body Left In Situ	13	288,658	52,112	135,374	476,144
Premature Ceasure Of Treatment	11	1,101,809	352,822	1,316,305	2,770,936
Not Specified	10	663,047	78,459	378,533	1,120,040
Fail To Infrm Test Rslts	9	432,699	32,975	253,149	718,823
Retained Instrument Post-Operation	8	87,500	22,026	146,300	255,826
Retained Instrument Post-Operation (Never Event)	8	92,250	13,029	94,057	199,337
Infusion Problems	7	77,800	14,605	77,958	170,363
Re-Canalisation	7	314,500	40,540	211,000	566,040
Unknown	7	119,099	60,188	218,000	397,287
Unexpected Death	7	422,956	113,707	387,610	924,274

Table 4: Analysis of Primary Causes for Clinical Claims Closed (or settled with a periodical payment order) between financial years 2006/07 and 2022/23 with a damages payment where the Specialty is Orthopaedic Surgery. 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 Causes	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Improp. Delegation To Junior	7	607,901	85,304	443,750	1,136,955
Inadqte Monitor In Recov Room	6	294,984	78,127	215,950	589,061
Fail/Delay Avail Op Thtre	5	287,100	140,992	262,100	690,192
Injured By Another Patient	5	62,276	44,623	139,500	246,399
Grand Total	14,004	1,244,971,520	169,990,386	663,770,333	2,078,732,238

Table 5: Analysis of Primary Injuries for Clinical Claims Closed (or settled with a periodical payment order) between financial years 2006/07 and 2022/23 with a damages payment where the Specialty is Orthopaedic Surgery. 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 Injuries	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Injuries with less than 5 claims(22 Injuries)	49	11,400,564	1,126,163	3,713,679	16,240,407
Adtnl/unnecessary Operation(s)	3,003	190,474,001	29,155,467	123,616,114	343,245,582
Unnecessary Pain	2,504	120,468,115	20,812,018	88,898,813	230,178,946
Poor Outcome - Fractures Etc.	1,830	126,004,120	20,270,791	80,313,503	226,588,414
Fracture	1,051	41,906,685	7,483,875	33,499,382	82,889,941
Nerve Damage	823	120,752,331	16,156,241	58,964,931	195,873,503
Joint Damage	787	79,224,238	11,477,448	40,059,716	130,761,402
Pressure Sores	456	14,645,912	2,344,173	13,092,779	30,082,863
Fatality	374	28,949,766	3,717,643	17,085,933	49,753,343
Amputation - Lower	359	137,398,293	12,477,800	41,500,636	191,376,729
Tendon Damage	224	9,422,750	1,723,769	7,622,232	18,768,751
Thrombosis/Embolism	222	11,210,636	1,967,969	8,494,329	21,672,935
Limb Deformity	196	19,962,369	2,949,996	9,970,452	32,882,817
Spinal Damage	180	71,834,485	6,474,741	22,849,859	101,159,085
Other Infection	178	24,409,270	2,682,817	10,526,268	37,618,355
Burn(s)	176	2,719,697	501,598	2,695,333	5,916,628
Scarring	174	1,926,097	544,486	2,942,568	5,413,151
Foot Drop	153	18,623,764	3,421,458	11,486,770	33,531,992
Dislocation	138	10,716,461	1,339,875	5,727,208	17,783,545
Other	101	2,847,298	747,663	3,188,764	6,783,725
Amputation - Upper	84	10,812,111	1,160,655	4,971,227	16,943,993
Compartment Syndrome	75	13,969,083	1,778,657	5,451,634	21,199,374
Hospital Acquired Infection	71	9,667,693	1,377,751	4,471,847	15,517,291
Psychiatric/Psychological Dmge	63	2,309,149	363,736	1,683,444	4,356,330
Tissue Damage	61	4,095,474	539,469	1,979,291	6,614,233
Bladder Damage	51	9,953,090	1,342,895	4,617,316	15,913,301
Bowel Damage/ Dysfunction	43	7,486,561	1,257,215	3,915,519	12,659,295
Paraplegia	43	35,940,701	3,487,721	9,340,954	48,769,376
Partial Paralysis	42	21,482,468	2,463,041	8,469,716	32,415,225
Incontinence	33	10,485,111	1,401,636	5,043,039	16,929,785
Cosmetic Disfigurement	30	1,875,683	439,255	1,667,908	3,982,845
Advanced Stage Cancer	28	2,942,888	389,034	1,765,474	5,097,395
Cancer	27	5,583,648	470,973	1,598,136	7,652,757
Arterial Damage	27	4,422,177	522,549	1,984,619	6,929,346
Rupture	27	722,101	119,391	666,434	1,507,926
Infectious Diseases	26	2,181,133	375,391	1,326,584	3,883,109
Cardiac Arrest	22	1,285,829	209,168	619,454	2,114,451
Bruising/ Extravasation	21	164,525	39,443	242,056	446,023
Multiple Injuries	20	1,142,335	186,999	944,284	2,273,619
Not Specified	20	882,645	124,714	636,655	1,644,014
Renal Damage/ Failure	19	1,310,269	204,448	874,850	2,389,567
Tetraplegia/ Quadriplegia	18	19,361,920	1,205,142	4,266,112	24,833,173
Respiratory Disorder/ Failure	18	378,573	85,856	455,596	920,025
Brain Damage	18	16,860,684	1,375,770	3,806,661	22,043,114
Stroke	17	5,076,534	456,630	1,480,710	7,013,874
Infection (bacterial)	16	495,806	71,601	575,595	1,143,002
Anaphylact Shock/Allergic Shock/allergy	15	69,716	21,556	201,860	293,132
Multiple Disabilities	13	4,968,790	463,542	1,588,391	7,020,723
Dental Damage	11	69,416	14,640	87,420	171,476
Anaesthetic	10	191,000	26,892	259,650	477,542
Unknown	10	400,237	85,235	240,959	726,431
Cardiovascular Condition	8	408,603	113,247	326,000	847,850
Blindness	7	989,224	80,645	298,864	1,368,733
Perforation	7	906,383	113,584	392,500	1,412,467
Oedema	5	89,000	32,735	132,736	254,472
Aneurysm	5	261,036	65,916	379,000	705,952
Other Visual Problems	5	98,000	9,943	117,500	225,443

Table 5: Analysis of Primary Injuries for Clinical Claims Closed (or settled with a periodical payment order) between financial years 2006/07 and 2022/23 with a damages payment where the Specialty is Orthopaedic Surgery. 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.

Malignant Tumour	5	177,573	52,815	142,039	372,427
Osteoporosis	5	557,500	84,506	499,031	1,141,037
Grand Total	14,004	1,244,971,520	169,990,386	663,770,333	2,078,732,238