



Resolution

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June 2024
FOI_6568

The following information was requested on 28 May 2024:

Follow up to: FOI_6389 where you requested on 29 January 2024:

I am writing a paper on the medicolegal aspects of bile duct injury as a consequence of laparoscopic cholecystectomy. Specifically, I would like to find information on the frequency of complications following surgery and the compensation awarded in these claims.

We replied on 2 February 2024:

Thank you for your request. Before we can respond I would like to clarify what data we hold.

Please refer to our publication: [Guidance-note-Understanding-NHS-Resolution-data-updated](#) and a set of codes against which claims are logged: [CNST-Codes.xlsx \(live.com\)](#) (see the three tabs in the spreadsheet).

We are able to provide information about claims for bile duct damage. You may want to have a look at our similar response: [FOI_5297_Bile-Duct-Damage.pdf \(resolution.nhs.uk\)](#).

We could provide you with the number of claims received, number closed with nil damages paid; number closed with a damages payment and associated costs; breakdown by causes and by specialty.

We can provide data in financial years – please confirm the date range for this information.

Unfortunately, we do not have a code for laparoscopic cholecystectomy. Please, refer to our previous responses:

[FOI_5488_Cholecystectomy-surgery.pdf \(resolution.nhs.uk\)](#)
[FOI_5300_Gallbladder-surgery-cholecystectomy-delay-Delay-laparoscopic-cholecystectomy_Redacted.pdf \(resolution.nhs.uk\)](#)

Please, could you confirm if you are interested in receiving the above data and the date range.

Your request will be put on hold until we receive the clarification requested above.

On 28 May 2024 you requested:

As a follow up, do you have information on other complications arising from Cholecystectomy?

Do you hold data on the claims arising from other intraabdominal surgeries? I'm hoping to compare cholecystectomy complications to those of other procedures to get a picture of medicolegal risk.

Our Response

We only hold claims data for England (our schemes only cover England), not the UK.

In terms of: *do you have information on other complications arising from Cholecystectomy?*

You may wish to contact NHS England directly as we do not hold this information.

Contact details for NHS England are: england.contactus@nhs.net

In terms of your request for: *Do you hold data on the claims arising from other intraabdominal surgeries? I'm hoping to compare cholecystectomy complications to those of other procedures to get a picture of medicolegal risk.*

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 for *laparoscopic cholecystectomy surgery* or *intraabdominal surgeries*. 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 which ones relate to claims involving *laparoscopic cholecystectomy surgery* or *intraabdominal surgeries*. NHS Resolution receives thousands of claims each year.

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'.

We estimate that it would take on average 10 minutes to locate, retrieve and extract the requested information from an individual file. It may therefore be the case that we would be able to examine only 108 files within 18 hours.

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.

Please also note even if we were able to carry out a review of 108 random files, we may not be able to provide you with the level of detail you require owing to Data Protection grounds.

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. We would not be able to provide the information in the way you have set out your request.

We advise that you refer to our learning [codes](#) to find what data (that we hold and can readily extract) might be of interest to you.

For details of the claims data that we publish, please refer to our publications: [Annual statistics \(including Factsheet 5\) - NHS Resolution](#).

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 whom NHS Resolution has been working with to undertake in-depth analysis of our claims data (e.g. on orthopaedic surgery claims). 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 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:

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Water Lane
Wilmslow
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<https://ico.org.uk/>