



# Resolution

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10 South Colonnade  
Canary Wharf  
London  
E14 4PU  
**Telephone:** 020 7811 2700

October 2024  
FOI\_6772

The following information was requested on 29 September and clarified on 8 October 2024:

*[you requested the following information on 29 September 2024]:*

*I'm writing to request data under the FOI act:*

*I am writing to request access to a database of all orthopaedic surgery claims in England and Wales reported to the former NHSLA and current NHS Resolution between 1st April 2010 and 31st March 2024, with incidents ranging from 2000 to 2023, under the Freedom of Information Act (2000). Specifically, I am seeking the following details for each claim:*

- *Incident and notification dates*
- *A brief description of the incident*
- *Cause, injury, specialty, and location of the incident*
- *Total amount paid out, including separate figures for damages and claimant and defence costs for each closed claim*

*Please note that the database should include both closed (settled and/or completed) and open (outstanding) claims up to 31st December 2024. The data set is expected to encompass 4609 cases in total. Additionally, I request that all cases unrelated to knee surgery and those lacking detail on the type of surgery and/or the nature of the incident be excluded from this dataset."*  
*Thank you for your assistance. I look forward to your response.*

*[We replied on 30 September 2024 with]:*

*Thank you for your request.*

*I would like to first clarify a few points.*

*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 can provide information about claims for specialty **Orthopaedic surgery in England** only. We can provide this information in financial years from 2006/07.*

*We can't provide information about open cases. We can provide data broken down by incident or notification date.*

*In relation to brief description of the incident, we would be unable to disclose any details that would allow the identification of the individual claim, where it could lead to the breach of the Data Protection requirements.*

*We could provide you with the number of claims received for the specialty Orthopaedic surgery and also the number closed with nil damages paid; number closed with a damages payment and associated costs; breakdown by primary cause; breakdown by primary injury and breakdown by trust.*

*We won't be able to break it down by the type of surgery (i.e. Knee surgery). Please refer to our previous responses:*

*[FOI 4687 Knee-surgery.pdf \(resolution.nhs.uk\)](#)*

*[FOI 4964 Elective-Hip-and-Knee-Surgery.pdf \(resolution.nhs.uk\)](#)*

*For more information about Orthopaedic surgery, please visit our website and Annual Report Statistics publications (tabs B, D and F): [Annual statistics - NHS Resolution](#) and previous responses [Fol Requests Archive - orthopaedic surgery](#).*

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

*[You replied on 1 October 2024 with]:*

*Sure, that sounds good. Please provide as much information as possible, within the remit of GDPR. Looking forward to receiving the data.*

*[We replied on 1 October 2024 with]:*

*I've discussed this with my colleagues who pull the data and they asked for additional clarification regarding dates.*

*it is still unclear whether you are asking for claims by Notification or Incident Date.*

*The initial request sounds like it might be claims which were notified between 2010/11 to 2023/24 where the incident took place between 2000 to 2023.*

*Please, can you confirm the above?*

*[You replied on 1 October 2024]:*

*Incident date, please.*

*[On 8 October you advised]:*

*I hope you're well. Could I please alter this request to include data from 2005/2006 to 2023/2024, with incidents from 1996-2023.*

## **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. As previously advised, we can provide this information in financial years from 2006/07.

We are able to provide high level claims data relating to the specialty: '**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 <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 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 shows:** - Number of Clinical Claims and Incidents received between financial years '2006/07' and '2023/24' where the incident date is between financial years '1996/97' and '2023/24' and the Specialty is '**Orthopaedic Surgery**'. Broken down by Incident Year.

**Table 2 shows:** - Number of Clinical Claims and Incidents received between financial years '2006/07' and '2023/24' where the incident date is between financial years '1996/97' and '2023/24' and the Specialty is '**Orthopaedic Surgery**'. Broken down by Primary Cause.

**Table 3 shows:** - Number of Clinical Claims and Incidents received between financial years '2006/07' and '2023/24' where the incident date is between financial years '1996/97' and '2023/24' and the Specialty is '**Orthopaedic Surgery**'. Broken down by Primary Injury.

**Table 4 shows:** - Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years '2006/07' and '2023/24' with a damages payment, and where the incident date is between financial years '1996/97' and '2023/24' and 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. Broken down by Incident Year.

**Table 5 shows:** - Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years '2006/07' and '2023/24' with a damages payment, and where the incident date is between financial years '1996/97' and '2023/24' and 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. Broken down by Primary Cause.

**Table 6 shows:** - Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years '2006/07' and '2023/24' with a damages payment, and where the incident date is between financial years '1996/97' and '2023/24' and 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. Broken down by Primary Injury.

## **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 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/>

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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 Incidents received between financial years '2006/07' and '2023/24' where the incident date is between financial years '1996/97' and '2023/24' and the Specialty is 'Orthopaedic Surgery'. Broken down by Incident Year.

Table 2: Number of Clinical Claims and Incidents received between financial years '2006/07' and '2023/24' where the incident date is between financial years '1996/97' and '2023/24' and the Specialty is 'Orthopaedic Surgery'. Broken down by Primary Cause.

Table 3: Number of Clinical Claims and Incidents received between financial years '2006/07' and '2023/24' where the incident date is between financial years '1996/97' and '2023/24' and the Specialty is 'Orthopaedic Surgery'. Broken down by Primary Injury.

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Table 6: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years '2006/07' and '2023/24' with a damages payment, and where the incident date is between financial years '1996/97' and '2023/24' and 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. Broken down by Primary Injury.

**Table 1: Number of Clinical Claims and Incidents received between financial years '2006/07' and '2023/24' where the incident date is between financial years '1996/97' and '2023/24' and the Specialty is 'Orthopaedic Surgery'. Broken down by Incident Year.**

|                      |          |
|----------------------|----------|
| Notified             | Y        |
| Clinical_NonClinical | Clinical |
| Incident Range       | Y        |

| Year of Incident   | No. of Claims |
|--------------------|---------------|
| 1996/97            | 21            |
| 1997/98            | 27            |
| 1998/99            | 37            |
| 1999/00            | 44            |
| 2000/01            | 60            |
| 2001/02            | 72            |
| 2002/03            | 190           |
| 2003/04            | 459           |
| 2004/05            | 704           |
| 2005/06            | 1,038         |
| 2006/07            | 1,028         |
| 2007/08            | 1,227         |
| 2008/09            | 1,347         |
| 2009/10            | 1,373         |
| 2010/11            | 1,574         |
| 2011/12            | 1,583         |
| 2012/13            | 1,518         |
| 2013/14            | 1,416         |
| 2014/15            | 1,322         |
| 2015/16            | 1,243         |
| 2016/17            | 1,323         |
| 2017/18            | 1,345         |
| 2018/19            | 1,232         |
| 2019/20            | 980           |
| 2020/21            | 598           |
| 2021/22            | 519           |
| 2022/23            | 269           |
| 2023/24            | 57            |
| <b>Grand Total</b> | <b>22,606</b> |



**Table 2: Number of Clinical Claims and Incidents received between financial years '2006/07' and '2023/24' where the incident date is between financial years '1996/97' and '2023/24' and the Specialty is 'Orthopaedic Surgery'. Broken down by Primary Cause.**

|                      |          |
|----------------------|----------|
| Notified             | Y        |
| Clinical_NonClinical | Clinical |
| Incident Range       | Y        |

| Primary Cause                                    | No. of Claims |
|--------------------------------------------------|---------------|
| Fail / Delay Treatment                           | 5,306         |
| Failure/Delay Diagnosis                          | 2,989         |
| Intra-Op Problems                                | 2,712         |
| Inappropriate Treatment                          | 2,126         |
| Operator Error                                   | 1,279         |
| Fail To Warn-Informed Consent                    | 1,030         |
| Inadequate Nursing Care                          | 840           |
| Fail To Recog. Complication Of                   | 799           |
| Failure To Interpret X-Ray                       | 487           |
| Delay In Performing Operation                    | 465           |
| Fail To Follow-Up Arrangements                   | 323           |
| Failure To X-Ray                                 | 318           |
| Failure To Perform Operation                     | 291           |
| Foreign Body Left In Situ                        | 246           |
| Medication Errors                                | 237           |
| Lack Of Assistance/Care                          | 235           |
| Perform. Of Op. Not Indicated                    | 232           |
| Bacterial Infection                              | 204           |
| Other                                            | 202           |
| Failure To Perform Tests                         | 199           |
| Fail To Supervise                                | 196           |
| Equipment Malfunction                            | 146           |
| Inappropriate Discharge                          | 136           |
| Inadequate Monitoring Intra-Op                   | 119           |
| Poor Application Of Plstr Cast                   | 116           |
| Lack Of Pre-Op Evaluation                        | 115           |
| Wrong Diagnosis                                  | 108           |
| Fail To Carry Out PO Observs.                    | 105           |
| Diathermy Burns/react. To Prep                   | 100           |
| Fail To Act On Abnorm Test Res                   | 97            |
| Err With Agnt/Dose/Route/Selec                   | 93            |
| Failed Infection Control Policy/Hospital Hygiene | 69            |
| Fail/Delay Referring To Hosp.                    | 64            |
| Lack Of Facilities/Equipment                     | 58            |
| Cross Infection                                  | 52            |
| Wrong Site Surgery                               | 47            |
| Inapprop. Case Selection                         | 40            |
| Application Of Excess Force                      | 39            |
| Not Specified                                    | 37            |
| Wrong Site Surgery (Never Event)                 | 35            |
| Op. On Wrong Patient/Body Part                   | 30            |
| Unknown                                          | 26            |
| Fail/Delay Admitting To Hosp.                    | 24            |
| Incorrect Injection Site                         | 24            |
| Retained Instrument Post-Operation               | 24            |
| Unexpected Death                                 | 22            |
| Surg Foreign Body Left In Situ                   | 17            |
| Wrong Site Surgery                               | 16            |

**Table 2: Number of Clinical Claims and Incidents received between financial years '2006/07' and '2023/24' where the incident date is between financial years '1996/97' and '2023/24' and the Specialty is 'Orthopaedic Surgery'. Broken down by Primary Cause.**

|                      |          |
|----------------------|----------|
| Notified             | Y        |
| Clinical_NonClinical | Clinical |
| Incident Range       | Y        |

| Primary Cause                                    | No. of Claims |
|--------------------------------------------------|---------------|
| Fail To Infrm Test Rslts                         | 16            |
| Premature Ceasure Of Treatment                   | 15            |
| Improp. Delegation To Junior                     | 10            |
| Re-Canalisation                                  | 10            |
| Assault, Etc By Hospital Staff                   | 9             |
| Infusion Problems                                | 8             |
| Injured By Another Patient                       | 8             |
| Inadqte Monitor In Recov Room                    | 8             |
| Fail To Interpret USS                            | 6             |
| Intubation Problems                              | 6             |
| Retained Instrument Post-Operation (Never Event) | 6             |
| Fail/Delay Avail Op Thtre                        | 5             |
| Probs With Medical Records                       | 5             |
| Failed Sterilisation                             | #             |
| Tooth Inj & Patient Posit Prob                   | #             |
| Self Harm                                        | #             |
| Problem Blood Fluids                             | #             |
| ECT Treatment                                    | #             |
| Sexual Abuse                                     | #             |
| Fail To Monitor 2nd Stg Labour                   | #             |
| Unlawful Detention - Mntl Hlth                   | #             |
| MisplacedNaso/OrogastricTubeNotDet               | #             |
| Fail Mon Dose/rate Syntocinon                    | #             |
| <b>Grand Total</b>                               | <b>22,606</b> |

**Table 3: Number of Clinical Claims and Incidents received between financial years '2006/07' and '2023/24' where the incident date is between financial years '1996/97' and '2023/24' and the Specialty is 'Orthopaedic Surgery'. Broken down by Primary Injury.**

|                      |          |
|----------------------|----------|
| Notified             | Y        |
| Clinical_NonClinical | Clinical |
| Incident Range       | Y        |

| Primary Injury                          | No. of Claims |
|-----------------------------------------|---------------|
| Adtnl/unnecessary Operation(s)          | 4,573         |
| Unnecessary Pain                        | 4,475         |
| Poor Outcome - Fractures Etc.           | 2,768         |
| Fracture                                | 1,685         |
| Nerve Damage                            | 1,347         |
| Joint Damage                            | 1,293         |
| Fatality                                | 615           |
| Pressure Sores                          | 585           |
| Amputation - Lower                      | 499           |
| Thrombosis/Embolism                     | 359           |
| Tendon Damage                           | 350           |
| Spinal Damage                           | 336           |
| Other Infection                         | 299           |
| Limb Deformity                          | 274           |
| Other                                   | 273           |
| Foot Drop                               | 256           |
| Scarring                                | 234           |
| Dislocation                             | 209           |
| Burn(s)                                 | 202           |
| Amputation - Upper                      | 131           |
| Hospital Acquired Infection             | 127           |
| Infection (bacterial)                   | 125           |
| Tissue Damage                           | 118           |
| Compartment Syndrome                    | 114           |
| Psychiatric/Psychological Dmge          | 111           |
| Bowel Damage/ Dysfunction               | 73            |
| Bladder Damage                          | 69            |
| Not Specified                           | 67            |
| Paraplegia                              | 67            |
| Partial Paralysis                       | 60            |
| Cancer                                  | 53            |
| Advanced Stage Cancer                   | 50            |
| Arterial Damage                         | 50            |
| Cardiac Arrest                          | 49            |
| Rupture                                 | 47            |
| Infectious Diseases                     | 46            |
| Multiple Injuries                       | 40            |
| Stroke                                  | 39            |
| Bruising/ Extravasation                 | 38            |
| Incontinence                            | 38            |
| Unknown                                 | 37            |
| Cosmetic Disfigurement                  | 36            |
| Respiratory Disorder/ Failure           | 36            |
| Brain Damage                            | 34            |
| Renal Damage/ Failure                   | 32            |
| Anaphylact Shock/Allergic Shock/allergy | 27            |
| Multiple Disabilities                   | 25            |
| Sepsis                                  | 24            |

**Table 3: Number of Clinical Claims and Incidents received between financial years '2006/07' and '2023/24' where the incident date is between financial years '1996/97' and '2023/24' and the Specialty is 'Orthopaedic Surgery'. Broken down by Primary Injury.**

|                      |          |
|----------------------|----------|
| Notified             | Y        |
| Clinical_NonClinical | Clinical |
| Incident Range       | Y        |

| Primary Injury            | No. of Claims |
|---------------------------|---------------|
| Tetraplegia/ Quadriplegia | 20            |
| Dental Damage             | 14            |
| Cardiovascular Condition  | 14            |
| Anaesthetic               | 14            |
| Osteoporosis              | 11            |
| Blindness                 | 10            |
| Other Visual Problems     | 10            |
| Perforation               | 10            |
| Malignant Tumour          | 8             |
| Aneurysm                  | 8             |
| Addiction/Dependency      | 8             |
| Decompression Illness     | 7             |
| Loss Of Sexual Function   | 7             |
| Benign Tumour             | 6             |
| Oedema                    | 6             |
| Reduced Life Expectancy   | 5             |
| Hemiparesis               | #             |
| Partial Hearing Loss      | #             |
| Epilepsy                  | #             |
| Cystic Growth             | #             |
| Vocal Cord Damage         | #             |
| Scalp Damage              | #             |
| Hernia                    | #             |
| Developmental Delay       | #             |
| Liver Damage              | #             |
| Fistula                   | #             |
| Unwanted Pregnancy        | #             |
| Loss Of Kidney            | #             |
| Infertility               | #             |
| Impotence                 | #             |
| Stunted Growth            | #             |
| Removal Of Cervix         | #             |
| Spinabifida               | #             |
| Meningitis                | #             |
| Lung Disease              | #             |
| Tuberculosis              | #             |
| Hypoxia                   | #             |
| Infection (group B strep) | #             |
| Deafness                  | #             |
| Malnutrition              | #             |
| Radiation Exposure        | #             |
| Downs Syndrome            | #             |
| Loss Of Baby              | #             |
| <b>Grand Total</b>        | <b>22,606</b> |

**Table 4: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years '2006/07' and '2023/24' with a damages payment, and where the incident date is between financial years '1996/97' and '2023/24' and 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. Broken down by Incident Year.**

|                |              |
|----------------|--------------|
| ClosedSettled  | Y            |
| Claim_Outcome  | Damages Paid |
| Incident Range | Y            |

| Year of Incident | No. of Claims | Damages Paid | NHS Legal Costs Paid | Claimant Legal Costs Paid | Total Paid  |
|------------------|---------------|--------------|----------------------|---------------------------|-------------|
| 1996/97          | 26            | 2,389,455    | 583,393              | 1,359,446                 | 4,332,293   |
| 1997/98          | 34            | 6,678,625    | 1,102,533            | 2,261,068                 | 10,042,226  |
| 1998/99          | 62            | 17,262,563   | 1,397,107            | 3,697,085                 | 22,356,756  |
| 1999/00          | 84            | 11,003,339   | 1,776,402            | 3,641,284                 | 16,421,025  |
| 2000/01          | 171           | 22,859,486   | 4,029,021            | 9,887,788                 | 36,776,295  |
| 2001/02          | 237           | 29,049,607   | 4,246,136            | 10,667,591                | 43,963,333  |
| 2002/03          | 407           | 38,180,756   | 6,251,337            | 16,996,936                | 61,429,029  |
| 2003/04          | 481           | 41,787,281   | 7,065,133            | 19,210,796                | 68,063,210  |
| 2004/05          | 548           | 64,142,959   | 8,378,170            | 27,755,127                | 100,276,256 |
| 2005/06          | 723           | 77,447,282   | 9,222,295            | 32,652,437                | 119,322,015 |
| 2006/07          | 735           | 73,688,756   | 9,038,550            | 35,752,885                | 118,480,191 |
| 2007/08          | 892           | 87,481,688   | 10,951,799           | 44,391,024                | 142,824,510 |
| 2008/09          | 981           | 79,161,588   | 11,510,424           | 50,976,898                | 141,648,909 |
| 2009/10          | 1,033         | 101,143,442  | 13,995,645           | 63,289,228                | 178,428,315 |
| 2010/11          | 1,136         | 100,103,559  | 15,204,341           | 69,666,342                | 184,974,242 |
| 2011/12          | 1,082         | 112,497,517  | 14,296,985           | 64,579,291                | 191,373,792 |
| 2012/13          | 1,040         | 91,110,189   | 13,800,674           | 53,820,524                | 158,731,387 |
| 2013/14          | 925           | 82,195,077   | 11,729,865           | 42,884,633                | 136,809,575 |
| 2014/15          | 845           | 85,465,972   | 10,267,590           | 40,034,772                | 135,768,333 |
| 2015/16          | 816           | 73,491,904   | 9,199,137            | 35,506,040                | 118,197,081 |
| 2016/17          | 759           | 52,813,283   | 6,629,394            | 29,362,341                | 88,805,018  |
| 2017/18          | 683           | 35,586,288   | 4,586,567            | 22,953,177                | 63,126,033  |
| 2018/19          | 539           | 25,588,661   | 2,553,114            | 15,153,963                | 43,295,738  |
| 2019/20          | 287           | 6,731,190    | 992,521              | 6,521,294                 | 14,245,005  |
| 2020/21          | 101           | 2,491,555    | 334,061              | 2,175,817                 | 5,001,433   |
| 2021/22          | 59            | 915,150      | 116,628              | 888,635                   | 1,920,413   |
| 2022/23          | 16            | 120,812      | 23,968               | 90,100                    | 234,880     |
| 2023/24          | #             | #            | #                    | #                         | #           |

**Table 5: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years '2006/07' and '2023/24' with a damages payment, and where the incident date is between financial years '1996/97' and '2023/24' and 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. Broken down by Primary Cause.**

|                |              |
|----------------|--------------|
| ClosedSettled  | Y            |
| Claim_Outcome  | Damages Paid |
| Incident Range | Y            |

| Primary Cause                                    | No. of Claims | Damages Paid | NHS Legal Costs Paid | Claimant Legal Costs Paid | Total Paid  |
|--------------------------------------------------|---------------|--------------|----------------------|---------------------------|-------------|
| Fail / Delay Treatment                           | 3,132         | 277,016,946  | 39,453,446           | 154,910,010               | 471,380,401 |
| Failure/Delay Diagnosis                          | 2,047         | 207,872,461  | 27,036,967           | 105,125,351               | 340,034,779 |
| Intra-Op Problems                                | 1,983         | 238,216,594  | 28,965,034           | 111,403,802               | 378,585,430 |
| Inappropriate Treatment                          | 1,332         | 126,033,620  | 18,225,900           | 69,912,376                | 214,171,896 |
| Operator Error                                   | 760           | 58,247,367   | 7,383,711            | 32,748,490                | 98,379,568  |
| Inadequate Nursing Care                          | 643           | 25,341,176   | 3,661,844            | 18,685,171                | 47,688,191  |
| Fail To Warn-Informed Consent                    | 604           | 61,373,302   | 9,833,165            | 35,488,329                | 106,694,797 |
| Fail To Recog. Complication Of                   | 588           | 78,611,232   | 10,232,838           | 38,364,844                | 127,208,914 |
| Failure To Interpret X-Ray                       | 365           | 18,303,764   | 2,622,020            | 12,765,988                | 33,691,772  |
| Delay In Performing Operation                    | 277           | 26,637,439   | 3,226,506            | 12,292,971                | 42,156,916  |
| Failure To X-Ray                                 | 240           | 14,149,632   | 2,223,904            | 9,087,960                 | 25,461,497  |
| Lack Of Assistance/Care                          | 183           | 6,345,034    | 1,148,334            | 4,999,655                 | 12,493,024  |
| Fail To Follow-Up Arrangements                   | 181           | 7,147,362    | 1,295,848            | 5,690,130                 | 14,133,340  |
| Failure To Perform Operation                     | 177           | 11,154,430   | 1,747,076            | 7,403,894                 | 20,305,400  |
| Foreign Body Left In Situ                        | 168           | 4,874,285    | 848,825              | 4,072,603                 | 9,795,712   |
| Medication Errors                                | 145           | 8,005,774    | 1,095,503            | 4,593,041                 | 13,694,318  |
| Perform. Of Op. Not Indicated                    | 143           | 9,468,237    | 1,659,058            | 6,678,822                 | 17,806,116  |
| Fail To Supervise                                | 137           | 9,659,580    | 1,155,662            | 4,382,688                 | 15,197,930  |
| Failure To Perform Tests                         | 115           | 17,505,808   | 1,907,444            | 7,100,870                 | 26,514,122  |
| Bacterial Infection                              | 106           | 13,337,743   | 2,205,931            | 7,400,985                 | 22,944,660  |
| Lack Of Pre-Op Evaluation                        | 95            | 9,291,124    | 1,151,888            | 4,117,283                 | 14,560,295  |
| Diathermy Burns/react. To Prep                   | 93            | 1,709,995    | 314,580              | 1,574,574                 | 3,599,149   |
| Fail To Carry Out PO Observs.                    | 93            | 10,811,423   | 1,188,017            | 4,671,611                 | 16,671,051  |
| Equipment Malfunction                            | 89            | 7,589,880    | 786,017              | 3,462,254                 | 11,838,151  |
| Poor Application Of Plstr Cast                   | 82            | 1,939,558    | 450,032              | 1,972,032                 | 4,361,622   |
| Inappropriate Discharge                          | 82            | 6,081,400    | 913,893              | 3,526,845                 | 10,522,137  |
| Wrong Diagnosis                                  | 80            | 7,448,394    | 1,088,788            | 3,927,731                 | 12,464,913  |
| Inadequate Monitoring Intra-Op                   | 79            | 6,735,220    | 826,093              | 3,831,921                 | 11,393,234  |
| Other                                            | 71            | 3,820,241    | 493,860              | 2,475,303                 | 6,789,404   |
| Err With Agnt/Dose/Route/Selec                   | 67            | 4,933,484    | 539,342              | 2,348,904                 | 7,821,729   |
| Fail To Act On Abnorm Test Res                   | 65            | 7,407,161    | 792,337              | 3,025,048                 | 11,224,546  |
| Lack Of Facilities/Equipment                     | 50            | 1,013,032    | 125,676              | 829,184                   | 1,967,892   |
| Wrong Site Surgery                               | 46            | 1,744,669    | 231,409              | 1,221,133                 | 3,197,211   |
| Wrong Site Surgery (Never Event)                 | 38            | 1,071,865    | 127,411              | 578,244                   | 1,777,519   |
| Op. On Wrong Patient/Body Part                   | 35            | 394,948      | 46,731               | 255,293                   | 696,973     |
| Failed Infection Control Policy/Hospital Hygiene | 29            | 4,569,998    | 450,931              | 1,682,733                 | 6,703,663   |
| Fail/Delay Referring To Hosp.                    | 28            | 4,518,172    | 550,642              | 2,269,495                 | 7,338,308   |
| Cross Infection                                  | 26            | 1,070,983    | 301,137              | 948,285                   | 2,320,404   |
| Application Of Excess Force                      | 24            | 2,049,940    | 330,754              | 1,209,395                 | 3,590,089   |
| Inapprop. Case Selection                         | 23            | 6,716,697    | 628,004              | 2,341,587                 | 9,686,287   |
| Incorrect Injection Site                         | 15            | 384,365      | 87,969               | 345,594                   | 817,928     |
| Fail/Delay Admitting To Hosp.                    | 15            | 2,519,535    | 248,527              | 786,302                   | 3,554,365   |
| 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   |
| Retained Instrument Post-Operation               | 10            | 119,500      | 22,982               | 178,800                   | 321,282     |
| Fail To Infrm Test Rslts                         | 10            | 457,699      | 42,926               | 329,149                   | 829,774     |
| Not Specified                                    | 9             | 503,047      | 57,072               | 283,533                   | 843,652     |
| Retained Instrument Post-Operation (Never Event) | 8             | 92,250       | 13,029               | 94,057                    | 199,337     |
| Improp. Delegation To Junior                     | 8             | 652,326      | 95,332               | 495,750                   | 1,243,408   |
| Wrong Site Surgery                               | 8             | 545,594      | 151,630              | 519,444                   | 1,216,669   |
| Infusion Problems                                | 8             | 89,800       | 31,085               | 110,370                   | 231,255     |

**Table 5: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years '2006/07' and '2023/24' with a damages payment, and where the incident date is between financial years '1996/97' and '2023/24' and 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. Broken down by Primary Cause.**

|                |              |
|----------------|--------------|
| ClosedSettled  | Y            |
| Claim_Outcome  | Damages Paid |
| Incident Range | Y            |

| Primary Cause                      | No. of Claims | Damages Paid | NHS Legal Costs Paid | Claimant Legal Costs Paid | Total Paid |
|------------------------------------|---------------|--------------|----------------------|---------------------------|------------|
| Unexpected Death                   | 7             | 422,956      | 113,707              | 387,610                   | 924,274    |
| Unknown                            | 7             | 119,099      | 60,188               | 218,000                   | 397,287    |
| Re-Canalisation                    | 7             | 314,500      | 40,540               | 211,000                   | 566,040    |
| Inadqte Monitor In Recov Room      | 6             | 294,984      | 78,127               | 215,950                   | 589,061    |
| Injured By Another Patient         | 5             | 62,276       | 44,623               | 139,500                   | 246,399    |
| Wrong Site Surgery                 | 5             | 229,566      | 14,935               | 77,431                    | 321,932    |
| Fail To Interpret USS              | 5             | 2,494,499    | 303,922              | 374,750                   | 3,173,171  |
| Fail/Delay Avail Op Thtre          | 5             | 287,100      | 140,992              | 262,100                   | 690,192    |
| Intubation Problems                | #             | #            | #                    | #                         | #          |
| Tooth Inj & Patient Posit Prob     | #             | #            | #                    | #                         | #          |
| Assault, Etc By Hospital Staff     | #             | #            | #                    | #                         | #          |
| Retained Instrument Post-Operation | #             | #            | #                    | #                         | #          |
| Problem Blood Fluids               | #             | #            | #                    | #                         | #          |
| Probs With Medical Records         | #             | #            | #                    | #                         | #          |
| Fail Mon Dose/rate Syntocinon      | #             | #            | #                    | #                         | #          |
| ECT Treatment                      | #             | #            | #                    | #                         | #          |
| Self Harm                          | #             | #            | #                    | #                         | #          |
| Failed Sterilisation               | #             | #            | #                    | #                         | #          |
| MisplacedNaso/OrogastricTubeNotDet | #             | #            | #                    | #                         | #          |

**Table 6: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years '2006/07' and '2023/24' with a damages payment, and where the incident date is between financial years '1996/97' and '2023/24' and 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. Broken down by Primary Injury.**

|                |              |
|----------------|--------------|
| ClosedSettled  | Y            |
| Claim_Outcome  | Damages Paid |
| Incident Range | Y            |

| Primary Injury                          | No. of Claims | Damages Paid | NHS Legal Costs Paid | Claimant Legal Costs Paid | Total Paid  |
|-----------------------------------------|---------------|--------------|----------------------|---------------------------|-------------|
| Adtnl/unnecessary Operation(s)          | 3,175         | 200,973,887  | 31,194,376           | 131,892,448               | 364,060,711 |
| Unnecessary Pain                        | 2,640         | 127,291,139  | 21,907,135           | 93,524,140                | 242,722,414 |
| Poor Outcome - Fractures Etc.           | 1,895         | 129,142,972  | 20,991,090           | 84,293,775                | 234,427,837 |
| Fracture                                | 1,107         | 44,788,774   | 7,813,106            | 35,673,533                | 88,275,412  |
| Nerve Damage                            | 867           | 126,094,341  | 17,315,650           | 63,368,006                | 206,777,996 |
| Joint Damage                            | 787           | 80,166,899   | 11,625,400           | 41,066,317                | 132,858,615 |
| Pressure Sores                          | 487           | 15,875,228   | 2,511,314            | 14,068,013                | 32,454,555  |
| Fatality                                | 391           | 29,879,156   | 3,842,611            | 17,706,206                | 51,427,973  |
| Amputation - Lower                      | 372           | 146,537,596  | 13,087,090           | 44,111,866                | 203,736,553 |
| Tendon Damage                           | 236           | 9,102,108    | 1,720,411            | 8,044,433                 | 18,866,951  |
| Thrombosis/Embolism                     | 233           | 11,992,200   | 2,041,094            | 8,928,876                 | 22,962,171  |
| Limb Deformity                          | 199           | 17,810,806   | 2,843,120            | 9,974,439                 | 30,628,365  |
| Spinal Damage                           | 195           | 84,563,674   | 7,506,140            | 26,872,930                | 118,942,744 |
| Burn(s)                                 | 189           | 2,841,197    | 527,071              | 2,956,891                 | 6,325,159   |
| Other Infection                         | 186           | 26,071,270   | 2,865,689            | 11,189,768                | 40,126,727  |
| Scarring                                | 178           | 1,871,935    | 543,126              | 3,061,968                 | 5,477,029   |
| Foot Drop                               | 165           | 24,085,612   | 4,042,134            | 13,124,270                | 41,252,016  |
| Dislocation                             | 145           | 10,652,515   | 1,267,347            | 5,767,858                 | 17,687,720  |
| Other                                   | 110           | 3,067,639    | 782,422              | 3,569,498                 | 7,419,558   |
| Amputation - Upper                      | 87            | 13,353,808   | 1,285,800            | 5,688,727                 | 20,328,335  |
| Compartment Syndrome                    | 78            | 14,461,076   | 1,845,825            | 5,781,751                 | 22,088,651  |
| Hospital Acquired Infection             | 72            | 9,672,418    | 1,379,570            | 4,489,847                 | 15,541,835  |
| Psychiatric/Psychological Dmge          | 68            | 2,390,168    | 387,156              | 1,869,465                 | 4,646,789   |
| Tissue Damage                           | 67            | 4,215,291    | 607,375              | 2,264,703                 | 7,087,369   |
| Bladder Damage                          | 54            | 10,096,756   | 1,387,424            | 4,893,972                 | 16,378,152  |
| Bowel Damage/ Dysfunction               | 45            | 9,096,561    | 1,310,863            | 4,303,519                 | 14,710,943  |
| Partial Paralysis                       | 44            | 26,598,403   | 2,653,402            | 9,070,966                 | 38,322,772  |
| Paraplegia                              | 42            | 34,549,597   | 3,302,876            | 9,151,475                 | 47,003,948  |
| Cosmetic Disfigurement                  | 33            | 1,933,889    | 444,757              | 1,738,758                 | 4,117,403   |
| Incontinence                            | 33            | 10,485,111   | 1,401,636            | 5,043,039                 | 16,929,785  |
| Advanced Stage Cancer                   | 33            | 3,867,059    | 455,509              | 2,121,974                 | 6,444,542   |
| Rupture                                 | 31            | 912,232      | 141,015              | 829,434                   | 1,882,682   |
| Cancer                                  | 29            | 5,778,629    | 476,369              | 1,675,136                 | 7,930,134   |
| Arterial Damage                         | 28            | 4,430,677    | 531,379              | 2,008,619                 | 6,970,675   |
| Infectious Diseases                     | 26            | 2,181,133    | 375,391              | 1,326,584                 | 3,883,109   |
| Infection (bacterial)                   | 25            | 895,585      | 176,419              | 959,595                   | 2,031,599   |
| Cardiac Arrest                          | 23            | 1,586,390    | 245,399              | 904,454                   | 2,736,243   |
| Multiple Injuries                       | 22            | 1,199,181    | 200,771              | 1,069,784                 | 2,469,737   |
| Bruising/ Extravasation                 | 22            | 168,525      | 39,694               | 248,056                   | 456,274     |
| Brain Damage                            | 21            | 17,413,081   | 1,434,497            | 3,969,378                 | 22,816,955  |
| Not Specified                           | 21            | 937,645      | 156,252              | 731,655                   | 1,825,552   |
| Respiratory Disorder/ Failure           | 19            | 387,053      | 89,811               | 500,596                   | 977,460     |
| Renal Damage/ Failure                   | 19            | 1,310,269    | 204,448              | 874,850                   | 2,389,567   |
| Stroke                                  | 18            | 5,551,534    | 527,690              | 1,730,710                 | 7,809,934   |
| Tetraplegia/ Quadriplegia               | 18            | 19,361,920   | 1,205,142            | 4,266,112                 | 24,833,173  |
| Anaphylact Shock/Allergic Shock/allergy | 15            | 69,716       | 21,556               | 201,860                   | 293,132     |



**Table 6: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years '2006/07' and '2023/24' with a damages payment, and where the incident date is between financial years '1996/97' and '2023/24' and 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. Broken down by Primary Injury.**

|                |              |
|----------------|--------------|
| ClosedSettled  | Y            |
| Claim_Outcome  | Damages Paid |
| Incident Range | Y            |

| Primary Injury           | No. of Claims | Damages Paid | NHS Legal Costs Paid | Claimant Legal Costs Paid | Total Paid |
|--------------------------|---------------|--------------|----------------------|---------------------------|------------|
| Multiple Disabilities    | 13            | 4,968,790    | 463,542              | 1,588,391                 | 7,020,723  |
| Dental Damage            | 12            | 84,416       | 17,503               | 115,420                   | 217,339    |
| Anaesthetic              | 12            | 209,000      | 29,785               | 291,650                   | 530,435    |
| Unknown                  | 11            | 400,737      | 87,515               | 240,959                   | 729,211    |
| Cardiovascular Condition | 8             | 408,603      | 113,247              | 326,000                   | 847,850    |
| Sepsis                   | 7             | 472,944      | 89,974               | 220,265                   | 783,183    |
| Perforation              | 7             | 906,383      | 113,584              | 392,500                   | 1,412,467  |
| Blindness                | 7             | 989,224      | 80,645               | 298,864                   | 1,368,733  |
| Malignant Tumour         | 6             | 202,573      | 56,097               | 182,039                   | 440,709    |
| Oedema                   | 6             | 139,621      | 147,121              | 342,736                   | 629,479    |
| Aneurysm                 | 5             | 261,036      | 65,916               | 379,000                   | 705,952    |
| Impotence                | 5             | 5,273,105    | 169,704              | 441,503                   | 5,884,312  |
| Osteoporosis             | 5             | 557,500      | 84,506               | 499,031                   | 1,141,037  |
| Other Visual Problems    | 5             | 98,000       | 9,943                | 117,500                   | 225,443    |
| Loss Of Sexual Function  | #             | #            | #                    | #                         | #          |
| Benign Tumour            | #             | #            | #                    | #                         | #          |
| Reduced Life Expectancy  | #             | #            | #                    | #                         | #          |
| Scalp Damage             | #             | #            | #                    | #                         | #          |
| Partial Hearing Loss     | #             | #            | #                    | #                         | #          |
| Epilepsy                 | #             | #            | #                    | #                         | #          |
| Decompression Illness    | #             | #            | #                    | #                         | #          |
| Deafness                 | #             | #            | #                    | #                         | #          |
| Hemiparesis              | #             | #            | #                    | #                         | #          |
| Addiction/Dependency     | #             | #            | #                    | #                         | #          |
| Orthopaedic Injuries     | #             | #            | #                    | #                         | #          |
| Loss Of Kidney           | #             | #            | #                    | #                         | #          |
| Liver Damage             | #             | #            | #                    | #                         | #          |
| Erb's Palsy              | #             | #            | #                    | #                         | #          |
| Removal Of Cervix        | #             | #            | #                    | #                         | #          |
| Lung Disease             | #             | #            | #                    | #                         | #          |
| Stunted Growth           | #             | #            | #                    | #                         | #          |
| Spinabifida              | #             | #            | #                    | #                         | #          |
| Cystic Growth            | #             | #            | #                    | #                         | #          |
| Malnutrition             | #             | #            | #                    | #                         | #          |
| Developmental Delay      | #             | #            | #                    | #                         | #          |