



Resolution

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Telephone: 020 7811 2700

April 2023

FOI_5687

The following information was requested on 18 November and clarified on 24 November 2022:

I wish to make a freedom of information request. Could you please provide me with a list of claims categorised under the specialty of neurosurgery (broken down into cranial and spinal neurosurgery) from inception of the Clinical Negligence Scheme for Trusts (CNST) to date (18th November 2020)?

For each claim, please provide the following data-points:

- 1. Principal specialty area (e.g., cranial neurosurgery, spinal surgery)*
- 2. Claim open or closed?*
- 3. Where the claim is closed, was it withdrawn or settled out of court or litigated in court*
- 4. Year of alleged incident*
- 5. Location of alleged incident*
- 6. Year of claim (notification date/year)*
- 7. Claimant sex*
- 8. Claimant age (broken down into five-year brackets)*
- 9. Date and value of any payment made to the claimant and overall legal costs for claim (broken down into defence legal cost, claimant legal costs and claimant payments/damages)*
- 10. Cause and type of injury leading to the claim based on NHSLA classification(s)*
- 11. Brief description of incident.*
- 12. Member involved (specific NHS trust or organisation or non-NHS member involved).*

Please provide the information to me in tabular form at this email address. If my request requires clarification or refinement, or if you have advice on how my queries could better be addressed by your service, please don't hesitate to contact me.

As a further question (but not in itself an FOI request), could you please tell me whether it would separately be possible to perform a similar analysis for "spinal cord stimulation" or "deep brain stimulation" using your resources? For example, would a free-text search of your database for these terms be possible, so that the relevant data could be extracted, even though no specific codes for these terms would seem to exist? As such incidents would be rarer, I would anticipate that the data could be grouped into five-year blocks rather than individual years, to get around the issue of "low number" (<5) outputs; would this be correct?

In addition to information about cranial neurosurgery and spinal surgery where the primary specialty is neurosurgery, could you please additionally provide me with the

relevant information for spinal surgery where the primary specialty is trauma and orthopaedic surgery? Please distinguish this data from spinal surgery where the primary specialty is neurosurgery.

We contacted you on 24 November 2022 and informed you:

Thank you for your request for information.

It might be helpful to refer to some of the Claims data that we publish on our website:

- You can find ten years' worth of claims data covering all NHS Resolution clinical schemes, [via our webpage on annual statistics – NHS Resolution](#).
- Individual Trust Claims Data handled per financial year – [Factsheet 5 – trust and authority claims data 2020/21 – NHS Resolution](#) (including maternity claims data for individual trusts).

Please also refer to:

- Claims Data: [read our guidance on how Claims Data is held](#) and please refer to the learning [Codes](#) used in our Claims management database.

We can provide you with the following information:

Claims Data relating to:

Specialty code – Neurosurgery

We can provide high level data relating to the number of claims received for the above Specialty code, it could include the number of claims closed with nil damages paid; the number of claims closed with a damages payment and associated costs; a breakdown by injury code; a breakdown by cause; the number of claims currently open. Please provide us with the date range you would like the information to cover.

We would not be able to provide a breakdown of individual cases in the way you have set out in your request. Please refer to an example FOI Request here: [FOI 4041 neurosurgery.pdf \(resolution.nhs.uk\)](#)

Please let us know if you would be interested in the above. Please specify which data you are interested in.

Alternatively, you can speak with a member of our Claims Team to discuss your request further.

Please let us know if you would like to discuss the request further and please provide us with a telephone number.

You responded on 24 November 2022 with:

Thanks for coming back to me. Regarding my request for information concerning neurosurgery, please go ahead and provide me with the information fields that you

mention in your email, incorporating a similar format to the previous FOI that you linked to, but covering the entire timeframe that I requested in my email.

Is it possible to get a cranial/spinal breakdown within the specialty neurosurgery? This would be of interest to me.

In addition, how might spinal procedures falling under the specialty of trauma and orthopaedic surgery be deduced? This would also ideally be provided to me.

I also asked in my email about the possibility of requesting data covering the procedures “spinal cord stimulation” and separately “deep brain stimulation” given the particulars of your system. Would this be theoretically possible, i.e., by searching within free-text claim fields and extracting this data in an automated fashion?

Thank you once again for your assistance.

Our Response

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

Although NHS Resolution may hold some information relating to claims such as these, 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 specific [code](#) for: cranial/spinal breakdown within the specialty neurosurgery. 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 review of all cases to identify which ones relate to claims involving cranial/spinal breakdown within the specialty neurosurgery. 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’.

Please also note we are only able to provide the clinical claims data from the financial year 2006/07 – 2021/22. This is due to our reporting capability and the time it would take to produce the data for prior to 2006/07.

Please find attached the information we are able to provide within the FOI cost limit.

Please **find attached** the information we are able to provide in respect of the specialty:
Neurosurgery

Table 1 shows – Number of CNST Claims and Incidents with the specialty **Neurosurgery** received between financial years 2006/07 and 2021/22.

Please note claims notified/received and open are not guaranteed to be settled in the same year and can take many years to be concluded. Claims notified/received in any given year will often relate to incidents that have occurred many years prior. 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.

Many of the claims notified will have been repudiated and settled without damages paid.

Please also note that the data shows a variation in the number of claims received during this period. This is a reflection of the nature of individual claims received by NHS Resolution, which can vary significantly. As such, these fluctuations cannot be interpreted as trends.

Table 2 shows – Number and Costs for CNST Claims Closed between 2006/07 - 2021/22 (or settled with a PPO) with the specialty **Neurosurgery** with damages paid.

Please also note that the data shows variation in damages and costs paid in the relevant financial years. This is a reflection of the nature of individual claims received by NHS Resolution, which can vary significantly. As such, year on year fluctuations cannot necessarily be interpreted as trends.

Table 3 shows – Number of Claims Closed between 2006/07 - 2021/22 with the specialty **Neurosurgery** with **NIL** damages paid.

Within the nil damages value tranche there are some years reporting positive and negative values. Payments or recoveries can be made during a financial year for claims that have a damages value of nil as at 31st March 2022:

- a) Damages - cases that are closed with nil damages may have had damages payments made in a year and money being received back, either in full or part in any given year where the original payment was made in a prior year.
- b) NHS Resolution is required to pay its defendant legal costs even if the claimant does not ultimately recover any damages.
- c) On occasions claimant legal costs are also paid by NHS Resolution where the claimant receives nil damages. For example a court may order (or NHS Resolution may agree prior to court proceedings) that NHS Resolution pay some claimant legal costs associated with an intermediate step associated with the claimant pursuing the claim, even if the final outcome is no damages are payable

Table 4 shows – Broken down by SEX - Number and Costs for CNST Claims Closed between 2006/07 - 2021/22 (or settled with a PPO) with the specialty **Neurosurgery** with damages paid.

Table 5 shows – Broken down by Age - Number and Costs for CNST Claims Closed between 2006/07 - 2021/22 (or settled with a PPO) with the specialty **Neurosurgery** with damages paid.

Table 6 shows – Analysis of Primary Injuries for CNST Claims Closed between 2006/07 - 2021/22 (or settled with a PPO) with the specialty **Neurosurgery** with damages paid.

Table 7 shows – Analysis of Primary Causes for CNST Claims Closed between 2006/07 - 2021/22 (or settled with a PPO) with the specialty **Neurosurgery** with damages paid.

Table 8 shows – Broken down by Trust with 5 or more CNST Claims Number and Costs for Claims Closed between 2006/07 - 2021/22 (or settled with a PPO) with the specialty **Neurosurgery** with damages paid.

Table 9 shows - Litigated or Not Litigated - Number and Costs for CNST Claims Closed between 2006/07 - 2021/22 (or settled with a PPO) with the specialty **Neurosurgery** with damages paid.

PPOs -

The information disclosed includes damages paid out in the relevant period under Periodical payment orders (PPO) previously agreed on cases, which may have been resolved several years ago. It does not include sums, which have been committed on settlements in the relevant period under a PPO, which may not be paid out until future years. PPOs are an agreement between the parties, to pay an initial lump sum and regular future payments covering the injured party's ongoing care needs, usually for life i.e. a percentage of the full value of the claim is paid at the point of settlement with the balance paid at regular intervals over subsequent years.

Low Numbers -

We have suppressed low figures and not provided the names of Trusts with fewer than 5 Claims, 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/>

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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 CNST Claims and Incidents with the specialty Neurosurgery received between financial years 2006/07 and 2021/22](#)

[Table 2: Number and Costs for CNST Claims Closed between 2006/07 - 2021/22 \(or settled with a PPO\) with the specialty Neurosurgery with damages paid.](#)

[Table 3: Number of CNST Claims Closed between 2006/07 - 2021/22 with the specialty Neurosurgery with NIL damages paid.](#)

[Table 4: Broken down by Sex - Number and Costs for CNST Claims Closed between 2006/07 - 2021/22 \(or settled with a PPO\) with the specialty Neurosurgery with damages paid.](#)

[Table 5: Broken down by Age - Number and Costs for CNST Claims Closed between 2006/07 - 2021/22 \(or settled with a PPO\) with the specialty Neurosurgery with damages paid.](#)

[Table 6: Analysis of Primary Injuries for CNST Claims Closed between 2006/07 - 2021/22 \(or settled with a PPO\) with the specialty Neurosurgery with damages paid.](#)

[Table 7: Analysis of Primary Causes for CNST Claims Closed between 2006/07 - 2021/22 \(or settled with a PPO\) with the specialty Neurosurgery with damages paid.](#)

[Table 8: Broken down by Trust with 5 or more Claims Number and Costs for CNST Claims Closed between 2006/07 - 2021/22 \(or settled with a PPO\) with the specialty Neurosurgery with damages paid.](#)

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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 9: Litigated or Not Litigated - Number and Costs for CNST Claims Closed between 2006/07 - 2021/22 \(or settled with a PPO\) with the specialty Neurosurgery with damages paid.](#)

Table 1: Number of CNST Claims and Incidents with the specialty Neurosurgery received between financial years 2006/07 and 2021/22

FOI View scheme	Notified (All)
Year of Notification	No. of Claims
2006/07	74
2007/08	71
2008/09	87
2009/10	73
2010/11	87
2011/12	115
2012/13	143
2013/14	157
2014/15	171
2015/16	166
2016/17	165
2017/18	149
2018/19	193
2019/20	189
2020/21	205
2021/22	158
Grand Total	2,203

Table 2: Number and Costs for CNST Claims Closed between 2006/07 - 2021/22 (or settled with a PPO) with the specialty Neurosurgery with damages paid.

FOI View scheme Claim_Outcome	Closed Settled CNST Successful
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Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2006/07	25	3,827,721	569,624	1,171,156	5,568,501
2007/08	28	3,731,271	527,113	1,103,576	5,361,960
2008/09	25	2,117,450	476,562	995,480	3,589,492
2009/10	39	4,766,035	714,339	1,436,009	6,916,384
2010/11	67	12,240,910	1,393,720	3,330,908	16,965,537
2011/12	51	21,323,140	1,623,004	5,039,458	27,985,601
2012/13	51	27,590,274	1,478,266	4,805,732	33,874,271
2013/14	52	18,264,919	1,343,974	4,997,171	24,606,064
2014/15	51	11,174,727	1,332,481	4,960,676	17,467,883
2015/16	69	24,819,646	2,101,500	6,826,291	33,747,437
2016/17	77	23,364,797	2,241,212	9,015,213	34,621,222
2017/18	108	44,558,884	3,161,926	14,191,108	61,911,918
2018/19	89	28,763,751	3,090,185	10,586,827	42,440,763
2019/20	97	40,983,652	3,487,382	12,025,161	56,496,195
2020/21	107	30,142,735	3,229,528	10,350,156	43,722,419
2021/22	111	53,159,381	4,709,593	14,816,762	72,685,736
Grand Total	1,047	350,829,292	31,480,408	105,651,684	487,961,384

Table 3: Number of CNST Claims Closed between 2006/07 - 2021/22 with the specialty Neurosurgery with NIL damages paid.

FOI View	Closed Settled
scheme	CNST
Claim_Outcome	Unsuccessful

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid
2006/07	40	0	59,960	0
2007/08	41	0	181,907	0
2008/09	32	0	135,706	0
2009/10	37	0	176,846	#
2010/11	47	0	171,601	#
2011/12	47	0	279,714	0
2012/13	42	0	403,144	0
2013/14	47	0	163,173	#
2014/15	89	0	301,310	0
2015/16	74	0	270,765	0
2016/17	89	0	701,314	0
2017/18	78	0	464,771	#
2018/19	72	0	631,642	#
2019/20	63	#	379,507	#
2020/21	71	0	732,100	20,000
2021/22	87	#	1,240,446	#
Grand Total	956	#	6,293,905	32,994

Table 4: Broken down by Sex - Number and Costs for CNST Claims Closed between 2006/07 - 2021/22 (or settled with a PPO) with the specialty Neurosurgery with damages paid.

FOI View	Closed Settled
scheme	CNST
Claim_Outcome	Successful

Sex	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Female	497	161,907,164	14,409,284	46,734,353	223,050,801
Male	550	188,922,128	17,071,124	58,917,331	264,910,583
Grand Total	1,047	350,829,292	31,480,408	105,651,684	487,961,384

Table 5: Broken down by Age - Number and Costs for CNST Claims Closed between 2006/07 - 2021/22 (or settled with a PPO) with the specialty Neurosurgery with damages paid.

FOI View	Closed Settled
scheme	CNST
Claim_Outcome	Successful

Age Group	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
0 to 10	29	24,951,259	1,472,199	3,801,170	30,224,628
11 to 20	43	25,409,026	1,698,803	3,364,968	30,472,797
21 to 30	82	29,362,469	2,732,462	7,684,558	39,779,490
31 to 40	174	64,968,202	6,021,859	19,564,525	90,554,585
41 to 50	226	104,451,334	7,478,596	28,966,675	140,896,605
51 to 60	209	53,305,881	6,465,765	21,166,842	80,938,489
61 to 70	148	30,192,008	3,481,729	12,944,804	46,618,541
71 to 80	95	14,951,385	1,680,452	6,102,295	22,734,132
80+	24	1,186,082	207,580	908,513	2,302,174
(blank)	17	2,051,646	240,963	1,147,334	3,439,944
Grand Total	1,047	350,829,292	31,480,408	105,651,684	487,961,384

Table 6: Analysis of Primary Injuries for CNST Claims Closed between 2006/07 - 2021/22 (or settled with a PPO) with the specialty Neurosurgery with damages paid.

FOI View	Closed Settled
scheme	CNST
Claim_Outcome	Successful

Primary Injuries	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Nerve Damage	123	38,008,034	4,915,636	17,996,254	60,919,924
Fatality	122	9,931,176	1,526,811	6,236,233	17,694,220
Unnecessary Pain	106	4,628,196	1,142,039	3,462,882	9,233,118
Adtnl/unnecessary Operation(s)	99	15,951,253	1,843,795	5,560,741	23,355,788
Brain Damage	94	104,780,232	6,575,480	17,464,801	128,820,514
Spinal Damage	71	35,005,022	3,283,056	10,826,565	49,114,643
Paraplegia	47	37,150,430	2,493,825	9,272,600	48,916,855
Pressure Sores	34	2,156,902	445,986	1,483,035	4,085,923
Partial Paralysis	27	11,828,075	1,219,256	3,634,628	16,681,959
Blindness	25	11,283,103	897,971	2,462,970	14,644,043
Bowel Damage/ Dysfunction	21	6,186,392	856,317	3,155,274	10,197,983
Tetraplegia/ Quadraplegia	19	22,658,395	458,361	4,398,300	27,515,056
Multiple Disabilities	16	7,239,416	549,757	2,156,218	9,945,390
Fracture	16	762,297	143,031	516,100	1,421,428
Other Visual Problems	15	4,410,422	419,279	1,428,514	6,258,215
Psychiatric/Psychological Dmge	15	500,938	86,423	531,121	1,118,483
Other Infection	14	813,363	167,912	574,387	1,555,662
Bladder Damage	13	2,074,250	447,626	1,320,500	3,842,376
Poor Outcome - Fractures Etc.	12	999,214	206,131	610,657	1,816,002
Foot Drop	11	2,954,323	386,955	1,171,061	4,512,339
Other	9	918,067	236,118	496,750	1,650,935
Scarring	9	44,550	11,410	68,625	124,585
Multiple Injuries	8	1,971,620	278,611	333,728	2,583,959
Incontinence	8	5,338,705	393,084	1,185,729	6,917,518
Stroke	7	1,800,277	147,142	623,478	2,570,896
Aneurysm	6	1,537,460	94,789	364,398	1,996,647
Hospital Acquired Infection	6	1,368,736	259,225	830,650	2,458,610
Amputation - Lower	5	2,533,051	156,410	513,817	3,203,277
Epilepsy	5	3,610,505	307,849	1,210,729	5,129,084
Respiratory Disorder/ Failure	5	662,326	89,571	350,693	1,102,589
Cancer	5	1,096,858	85,262	696,500	1,878,620
Advanced Stage Cancer	5	1,618,661	101,936	261,167	1,981,764
Hemiparesis	#	#	#	#	#
Infectious Diseases	#	#	#	#	#
Cardiac Arrest	#	#	#	#	#
Tissue Damage	#	#	#	#	#
Scalp Damage	#	#	#	#	#
Renal Damage/ Failure	#	#	#	#	#
Sexual Abuse	#	#	#	#	#
Arterial Damage	#	#	#	#	#
Vocal Cord Damage	#	#	#	#	#
Not Specified	#	#	#	#	#
Burn(s)	#	#	#	#	#
Loss Of Sexual Function	#	#	#	#	#
Fistula	#	#	#	#	#
Cosmetic Disfigurement	#	#	#	#	#
Developmental Delay	#	#	#	#	#
Bruising/ Extravasation	#	#	#	#	#
Thrombosis/Embolism	#	#	#	#	#
Dental Damage	#	#	#	#	#
Deafness	#	#	#	#	#
Unknown	#	#	#	#	#
Joint Damage	#	#	#	#	#
Decompression Illness	#	#	#	#	#
Compartment Syndrome	#	#	#	#	#
Reduced Life Expectancy	#	#	#	#	#
Cystic Growth	#	#	#	#	#

Table 6: Analysis of Primary Injuries for CNST Claims Closed between 2006/07 - 2021/22 (or settled with a PPO) with the specialty Neurosurgery with damages paid.

FOI View	Closed Settled
scheme	CNST
Claim_Outcome	Successful

Primary Injuries	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Tardive Dyskinesia	#	#	#	#	#
Benign Tumour	#	#	#	#	#
Wrongful Birth	#	#	#	#	#
Dislocation	#	#	#	#	#
Anaphylact Shock/Allergic Shock/allergy	#	#	#	#	#
Impotence	#	#	#	#	#
Malignant Tumour	#	#	#	#	#
Removal Of Fallopian Tube	#	#	#	#	#
Amputation - Upper	#	#	#	#	#
Grand Total	1,047	350,829,292	31,480,408	105,651,684	487,961,384

Table 7: Analysis of Primary Causes for CNST Claims Closed between 2006/07 - 2021/22 (or settled with a PPO) with the specialty Neurosurgery with damages paid.

FOI View scheme Claim_Outcome	Closed Settled CNST Successful
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Primary Causes	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Fail / Delay Treatment	245	80,093,834	6,766,889	25,001,685	111,862,408
Failure/Delay Diagnosis	147	43,496,884	4,479,069	15,509,444	63,485,397
Intra-Op Problems	96	45,780,754	3,622,421	13,210,278	62,613,453
Inadequate Nursing Care	56	8,693,720	1,046,079	2,844,619	12,584,418
Inappropriate Treatment	53	20,821,492	1,646,666	6,152,579	28,620,738
Fail To Warn-Informed Consent	51	25,060,570	2,442,625	6,445,077	33,948,272
Delay In Performing Operation	48	20,458,787	1,824,374	5,860,629	28,143,790
Fail To Recog. Complication Of	45	18,759,707	1,787,913	5,514,023	26,061,643
Operator Error	41	15,742,544	1,315,649	3,891,094	20,949,287
Medication Errors	24	7,917,012	660,785	2,010,098	10,587,895
Wrong Site Surgery	16	1,031,261	205,904	756,340	1,993,504
Fail To Follow-Up Arrangements	15	5,174,339	379,002	1,092,581	6,645,921
Failure To Interpret X-Ray	14	3,648,215	302,742	1,476,676	5,427,633
Fail/Delay Admitting To Hosp.	13	1,986,827	432,795	1,157,570	3,577,192
Lack Of Assistance/Care	13	1,708,041	232,330	624,189	2,564,560
Failure To Perform Tests	12	4,420,262	347,423	1,426,098	6,193,783
Fail To Supervise	12	209,366	110,102	317,275	636,743
Foreign Body Left In Situ	12	705,800	116,044	388,671	1,210,515
Inadequate Monitoring Intra-Op	12	10,641,758	587,430	1,648,606	12,877,795
Wrong Diagnosis	11	1,329,301	177,520	627,850	2,134,671
Failure To Perform Operation	11	5,593,272	410,570	1,681,530	7,685,372
Perform. Of Op. Not Indicated	8	5,599,646	387,614	1,083,250	7,070,510
Equipment Malfunction	7	115,699	20,730	121,975	258,404
Fail To Act On Abnorm Test Res	7	5,611,400	393,545	1,304,791	7,309,736
Err With Agnt/Dose/Route/Selec	7	1,093,179	173,181	706,800	1,973,160
Bacterial Infection	6	2,395,104	241,936	328,470	2,965,510
Fail To Carry Out PO Observs.	5	845,000	181,463	631,840	1,658,304
Failed Infection Control Policy/Hospital Hygiene	5	2,605,132	391,388	1,264,229	4,260,750
Inappropriate Discharge	5	199,966	36,677	177,600	414,242
Wrong Site Surgery (Never Event)	5	219,000	51,293	156,775	427,068
Diathermy Burns/react. To Prep	#	#	#	#	#
Wrong Site Surgery - DO NOT USE	#	#	#	#	#
Sexual Abuse	#	#	#	#	#
Lack Of Pre-Op Evaluation	#	#	#	#	#
Op. On Wrong Patient/Body Part	#	#	#	#	#
Wrong Site Surgery	#	#	#	#	#
Application Of Excess Force	#	#	#	#	#
Fail To Infrm Test Rslts	#	#	#	#	#
Assault, Etc By Hospital Staff	#	#	#	#	#
Infusion Problems	#	#	#	#	#
MisplacedNaso/OrogastricTubeNotDet	#	#	#	#	#
Fail/Delay Referring To Hosp.	#	#	#	#	#
Cross Infection	#	#	#	#	#
Failure To X-Ray	#	#	#	#	#
Retained Instrument Post-Operation	#	#	#	#	#
Fail/Delay Avail Op Thtre	#	#	#	#	#
Not Specified	#	#	#	#	#
Retained Instrument Post-Operation (Never Event)	#	#	#	#	#
Incorrect Injection Site	#	#	#	#	#
Probs With Medical Records	#	#	#	#	#
Unexpected Death	#	#	#	#	#
Inadqte Monitor In Recov Room	#	#	#	#	#
Unknown	#	#	#	#	#
Other	#	#	#	#	#
Grand Total	1,047	350,829,292	31,480,408	105,651,684	487,961,384

Table 8: Broken down by Trust with 5 or more Claims Number and Costs for CNST Claims Closed between 2006/07 - 2021/22 (or settled with a PPO) with the specialty Neurosurgery with damages paid.

FOI View	Closed Settled
scheme	CNST
Claim_Outcome	Successful

Member Name	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Trusts with fewer than 5 Claims (94)	145	68,365,194	5,024,586	15,024,152	88,413,932
University Hospitals Birmingham NHS Foundation Trust	63	24,832,313	1,373,666	5,742,202	31,948,180
Walton Centre NHS Foundation Trust (The)	58	13,723,167	1,796,472	5,248,950	20,768,589
King's College Hospital NHS Foundation Trust	58	10,564,394	1,646,358	4,817,726	17,028,478
Salford Royal NHS Foundation Trust	51	18,020,581	1,681,657	4,754,306	24,456,544
The Leeds Teaching Hospitals NHS Trust	39	14,454,544	1,469,465	4,677,393	20,601,403
University Hospitals Coventry & Warwickshire NHS Trust	38	7,054,898	861,838	2,437,484	10,354,220
Newcastle Upon Tyne Hospitals NHS Foundation Trust (The)	36	8,246,580	799,368	2,918,207	11,964,154
Lancashire Teaching Hospitals NHS Foundation Trust	35	10,998,148	917,071	3,814,664	15,729,883
University College London Hospitals NHS Foundation Trust	35	11,851,799	1,618,370	5,748,084	19,218,253
Sheffield Teaching Hospitals NHS Foundation Trust	33	5,410,181	934,063	2,818,677	9,162,921
Barts Health NHS Trust	32	12,693,815	1,021,159	4,979,725	18,694,699
Nottingham University Hospitals NHS Trust	31	16,072,206	1,277,739	3,677,120	21,027,065
University Hospital Southampton NHS Foundation Trust	29	9,143,748	632,469	3,656,899	13,433,116
Cambridge University Hospitals NHS Foundation Trust	29	10,852,261	631,849	2,814,899	14,299,009
Barking, Havering and Redbridge University Hospitals NHS Trust	25	7,998,573	831,130	2,287,803	11,117,506
Hull & East Yorkshire Hospitals NHS Trust	25	4,103,630	425,837	1,473,195	6,002,662
Imperial College Healthcare NHS Trust	25	19,347,832	1,042,944	4,026,204	24,416,981
Brighton & Sussex University Hospitals NHS Trust	24	6,737,449	728,720	2,429,872	9,896,042
North Bristol NHS Trust	23	4,249,622	356,354	1,509,126	6,115,101
St George's University Hospitals NHS Foundation Trust	21	8,810,336	887,938	2,680,515	12,378,789
Oxford University Hospitals NHS Foundation Trust	20	6,354,706	818,626	2,875,178	10,048,510
University Hospitals of North Midlands NHS Trust	18	2,718,698	305,543	1,443,392	4,467,633
University Plymouth Hospitals NHS Trust	16	3,304,771	353,626	1,262,281	4,920,678
Hull University Teaching Hospitals NHS Trust	16	4,032,984	487,515	1,812,165	6,332,664
Plymouth Hospitals NHS Trust	14	7,004,071	506,554	1,836,072	9,346,697
St George's Healthcare NHS Trust	14	8,228,839	565,475	2,149,625	10,943,938
South Tees Hospitals NHS Foundation Trust	13	1,999,907	185,360	557,835	2,743,101
Royal Free London NHS Foundation Trust	12	10,670,715	858,108	2,015,557	13,544,379
University Hospital Birmingham NHS Foundation Trust	12	1,483,500	238,629	349,322	2,071,451
Newcastle Upon Tyne Hospitals NHS Trust (The)	11	134,058	68,177	187,903	390,137
Southampton University Hospitals NHS Trust	10	667,363	93,078	232,790	993,231
University Hospital Of North Staffordshire NHS Trust	8	402,534	36,479	163,425	602,438
Oxford Radcliffe Hospitals NHS Trust	6	432,539	135,758	265,115	833,412
Oxford University Hospitals NHS Trust	6	3,271,103	128,468	621,000	4,020,572
Northern Care Alliance NHS Foundation Trust	6	409,878	148,767	277,886	836,531
University Hospitals Sussex NHS Foundation Trust	5	5,171,914	396,559	1,225,834	6,794,307
NHS Commissioning Board	5	1,010,441	194,633	839,102	2,044,176
Grand Total	1,047	350,829,292	31,480,408	105,651,684	487,961,384

Table 9: Litigated or Not Litigated - Number and Costs for CNST Claims Closed between 2006/07 - 2021/22 (or settled with a PPO) with the specialty Neurosurgery with damages paid.

FOI View scheme Claim_Outcome	Closed Settled CNST Successful
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Year of Closure (Settlement Year for PPOs) --- Litigation Flag	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2006/07					
N	9	262,651	28,884	119,511	411,047
Y	16	3,565,070	540,740	1,051,645	5,157,454
2007/08					
N	11	312,074	48,166	208,363	568,603
Y	17	3,419,197	478,946	895,213	4,793,357
2008/09					
N	12	563,808	63,694	197,154	824,655
Y	13	1,553,642	412,869	798,327	2,764,837
2009/10					
N	20	520,650	61,470	208,643	790,764
Y	19	4,245,385	652,869	1,227,366	6,125,620
2010/11					
N	23	1,313,986	122,731	537,415	1,974,131
Y	44	10,926,924	1,270,989	2,793,493	14,991,406
2011/12					
N	17	559,463	77,413	425,655	1,062,531
Y	34	20,763,677	1,545,590	4,613,803	26,923,070
2012/13					
N	22	1,124,808	88,763	361,429	1,575,000
Y	29	26,465,466	1,389,503	4,444,302	32,299,271
2013/14					
N	17	2,430,225	98,498	635,567	3,164,290
Y	35	15,834,694	1,245,476	4,361,604	21,441,774
2014/15					
N	16	2,787,484	122,664	686,564	3,596,712
Y	35	8,387,243	1,209,817	4,274,112	13,871,172
2015/16					
N	21	1,564,509	90,435	713,184	2,368,128
Y	48	23,255,137	2,011,065	6,113,108	31,379,309
2016/17					
N	31	995,692	121,242	602,041	1,718,975
Y	46	22,369,105	2,119,970	8,413,172	32,902,248
2017/18					
N	34	813,165	177,057	936,800	1,927,022
Y	74	43,745,719	2,984,869	13,254,307	59,984,895
2018/19					
N	32	1,721,592	243,128	1,262,108	3,226,828
Y	57	27,042,159	2,847,057	9,324,719	39,213,934
2019/20					
N	32	1,983,341	256,241	1,113,306	3,352,887
Y	65	39,000,312	3,231,141	10,911,855	53,143,308
2020/21					
N	51	5,895,078	431,125	1,858,967	8,185,170
Y	56	24,247,657	2,798,403	8,491,189	35,537,249
2021/22					

Table 9: Litigated or Not Litigated - Number and Costs for CNST Claims Closed between 2006/07 - 2021/22 (or settled with a PPO) with the specialty Neurosurgery with damages paid.

FOI View	Closed Settled
scheme	CNST
Claim_Outcome	Successful

Year of Closure (Settlement Year for PPOs) --- Litigation Flag	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
N	41	2,262,310	411,025	1,818,895	4,492,230
Y	70	50,897,071	4,298,568	12,997,867	68,193,506
Grand Total	1,047	350,829,292	31,480,408	105,651,684	487,961,384