



Resolution

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November 2024

FOI_6830

The following information was requested on 25 October 2024:

I am making this request for information under the Freedom of Information Act.

How many claims have been made against NHS Trusts in the past five years for retained objects post-procedure?

By 'retained foreign object post procedure', I refer to retained guide wires, mouth props, surgical instruments, needles, vaginal swabs, throat packs, etc.

Please break this down by how many claims:

Were settled with damages paid.

Have been rejected or closed.

Remain open.

Of those which were settled, please confirm the total amount paid in damages, broken down by: Financial year (1st April-31st March 2019/20, 2021/22, 2022/23, 2023/24, and 1st April-30th September 2024).

Speciality (e.g. General surgery, obstetrics, orthopaedic surgery, etc.)

NHS Trust.

What was the overall cost of all claims, inclusive of legal costs?

Our Response

Please find attached the requested information we are able to provide. This information only covers England and not the UK.

NB: 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.

We have provided data on clinical cases only. For further information about our clinical negligence scheme please see: [Clinical schemes - NHS Resolution](#)

Table 1 shows: - Number of Clinical Claims and Incidents received between financial years '2019/20' and '2023/24' where the Primary Cause is 'Retained Instrument Post-Operation' or 'Foreign Body Left In Situ'.

Table 2 shows: - Number and Cost of Clinical Claims Closed between financial years '2019/20' and '2023/24' with a damages payment, where the Primary Cause is 'Retained Instrument Post-Operation' or 'Foreign Body Left In Situ'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure. Broken down by Year.

Table 3 shows: - Number and cost of Clinical Claims Closed with a damages payment between financial years '2019/20' and '2023/24' where the Primary Cause is 'Retained Instrument Post-Operation' or 'Foreign Body Left In Situ'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure. Broken down by Specialty.

Table 4 shows: - Number and cost of Clinical Claims Closed with a damages payment between financial years '2019/20' and '2023/24' where the Primary Cause is 'Retained Instrument Post-Operation' or 'Foreign Body Left In Situ'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure. Broken down by Trust.

Please note Claims recorded against the Department of Health and Social Care (showing as Department of Health) include liabilities arising from defunct NHS organisations, which transferred to the Secretary of State for Health and Social Care when those organisations were abolished. These also include NHS clinical negligence claims made against current and former GP members of medical defence organisations (currently MDDUS and MPS only) in respect of liabilities incurred before 1 April 2019. These are managed under ELSGP. Please see our website for details ([Existing Liabilities Scheme for General Practice - NHS Resolution](#)).

Please note: the tables broken down by Trusts should not be interpreted as a league table. Larger member organisations and those which provide more

complex treatments may receive more claims than smaller organisations or those providing low risk care. Inevitably, different institutions face different levels of risk because of the variations in the nature and complexity of the procedures they perform. In some circumstances, volumes of reported cases may be impacted by multiple claims notified in relation to one cause of action.

Table 5 shows: - Number and Cost of Clinical Claims Closed between financial years '2019/20' and '2023/24' with **NIL** damages paid where the Primary Cause is 'Retained Instrument Post-Operation' or 'Foreign Body Left In Situ'. Broken down by Year.

As of the end of the financial year 2023/24 there were 179 open claims & incidents in total. Open cases are not yet concluded and may or may not result in an award for damages.

Low Numbers

We have suppressed low numbers as we are unable to provide this information 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.

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.

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:

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 '2019/20' and '2023/24' where the Primary Cause is 'Retained Instrument Post-Operation' or 'Foreign Body Left In Situ'.

Table 2: Number and Cost of Clinical Claims Closed between financial years '2019/20' and '2023/24' with a damages payment, where the Primary Cause is 'Retained Instrument Post-Operation' or 'Foreign Body Left In Situ'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure. Broken down by Year.

Table 3: Number and cost of Clinical Claims Closed with a damages payment between financial years '2019/20' and '2023/24' where the Primary Cause is 'Retained Instrument Post-Operation' or 'Foreign Body Left In Situ'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure. Broken down by Specialty.

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Table 5: Number and Cost of Clinical Claims Closed between financial years '2019/20' and '2023/24' with NIL damages paid where the Primary Cause is 'Retained Instrument Post-Operation' or 'Foreign Body Left In Situ'. Broken down by Year.

Table 1: Number of Clinical Claims and Incidents received between financial years '2019/20' and '2023/24' where the Primary Cause is 'Retained Instrument Post-Operation' or 'Foreign Body Left In Situ'.

Notified Y

Year of Notification	No. of Claims
2019/20	143
2020/21	127
2021/22	106
2022/23	147
2023/24	134
Grand Total	657

Table 2: Number and Cost of Clinical Claims Closed between financial years '2019/20' and '2023/24' with a damages payment, where the Primary Cause is 'Retained Instrument Post-Operation' or 'Foreign Body Left In Situ'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure. Broken down by Year.

ClosedSettled	Y
Claim_Outcome	Damages Paid

Year of Closure	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2019/20	131	2,371,785	398,124	2,453,272	5,223,182
2020/21	109	3,340,331	634,905	2,788,158	6,763,393
2021/22	114	2,605,801	365,650	2,588,969	5,560,419
2022/23	103	2,966,247	424,581	2,570,271	5,961,099
2023/24	99	3,555,563	442,937	2,699,649	6,698,149
Grand Total	556	14,839,727	2,266,196	13,100,319	30,206,242

Table 3: Number and cost of Clinical Claims Closed with a damages payment between financial years '2019/20' and '2023/24' where the Primary Cause is 'Retained Instrument Post-Operation' or 'Foreign Body Left In Situ'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure. Broken down by Specialty.

ClosedSettled	Y
Claim_Outcome	Damages Paid

Primary Specialty	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
General Surgery	120	5,112,168	562,640	3,190,296	8,865,103
Obstetrics	83	2,420,746	354,798	1,869,960	4,645,504
Orthopaedic Surgery	52	1,614,922	381,041	1,753,839	3,749,802
Gynaecology	50	605,622	112,597	963,299	1,681,518
Emergency Medicine	35	528,621	135,745	699,169	1,363,534
Urology	27	833,960	121,969	646,801	1,602,730
Surgical Speciality - Other	20	364,425	40,836	367,966	773,227
Otorhinolaryngology/ ENT	14	122,438	23,458	223,450	369,346
Plastic Surgery	14	127,187	38,439	227,934	393,560
District Nursing	13	234,825	43,508	465,361	743,693
Gastroenterology	13	281,915	61,143	298,213	641,271
General Practice	13	77,683	9,242	135,425	222,350
Vascular Surgery	11	127,833	9,541	123,587	260,961
Cardio Surgery	11	202,399	28,908	298,230	529,537
Cardiology	10	195,967	26,792	217,965	440,724
Oral & Maxillo Facial Surgery	8	87,665	23,424	120,126	231,215
Anaesthesia	7	216,303	17,714	123,484	357,501
Renal Medicine	7	98,750	15,836	101,900	216,486
Ophthalmology	7	109,157	27,069	202,000	338,226
Neurosurgery	7	664,500	101,525	338,327	1,104,353
General Medicine	6	30,000	13,058	74,500	117,558
Intensive Care Medicine	#	#	#	#	#
Paediatric Surgery	#	#	#	#	#
Dentistry	#	#	#	#	#
Radiology	#	#	#	#	#
Podiatry	#	#	#	#	#
Other	#	#	#	#	#
Oncology	#	#	#	#	#
Genito-Urinary Medicine	#	#	#	#	#
Respiratory Medicine/ Thoracic Medic	#	#	#	#	#
Community Medicine/ Public Health	#	#	#	#	#
Ambulance	#	#	#	#	#
Audiological Medicine	#	#	#	#	#
Neurology	#	#	#	#	#
Non-Clinical Staff	#	#	#	#	#
NHS Direct Services	#	#	#	#	#
Paediatrics	#	#	#	#	#
Endocrinology	#	#	#	#	#
Grand Total	556	14,839,727	2,266,196	13,100,319	30,206,242

Table 4: Number and cost of Clinical Claims Closed with a damages payment between financial years '2019/20' and '2023/24' where the Primary Cause is 'Retained Instrument Post-Operation' or 'Foreign Body Left In Situ'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure. Broken down by Trust.

ClosedSettled Claim_Outcome	Y Damages Paid			
Trust	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid
University Hospitals Birmingham NHS Foundation Trust	17	467,964	88,022	580,387
Department of Health				
DH CL	5	56,892	8,575	195,273
ELSGP	11	57,308	#	93,925
Manchester University NHS Foundation Trust	15	282,836	61,720	373,889
Barts Health NHS Trust	14	246,347	35,098	298,312
Mid and South Essex NHS Foundation Trust	14	240,175	24,420	284,950
Hull University Teaching Hospitals NHS Trust	13	205,000	17,847	177,324
London North West University Healthcare NHS Trust	11	204,852	30,089	186,119
University Hospitals Plymouth NHS Trust	10	231,264	32,237	202,110
University Hospitals of Leicester NHS Trust	9	153,000	17,667	114,200
Barking, Havering and Redbridge University Hospitals NHS Trust	9	376,750	62,580	315,000
Medway NHS Foundation Trust	9	81,665	29,149	167,350
Liverpool University Hospitals NHS Foundation Trust	8	64,310	35,033	173,433
South Tyneside and Sunderland NHS Foundation Trust	8	101,458	11,056	117,765
Sheffield Teaching Hospitals NHS Foundation Trust	8	92,812	17,986	145,261
Guy's and St Thomas' NHS Foundation Trust	8	219,774	32,387	300,250
King's College Hospital NHS Foundation Trust	8	154,566	120,051	398,875
University Hospitals of North Midlands NHS Trust	8	176,598	21,970	179,150
Chesterfield Royal Hospital NHS Foundation Trust	7	96,500	6,888	107,750
County Durham and Darlington NHS Foundation Trust	7	74,239	27,309	167,750
St George's University Hospitals NHS Foundation Trust	7	580,000	64,539	377,200
University Hospitals Sussex NHS Foundation Trust	7	134,200	10,694	120,963
Mid Yorkshire Teaching NHS Trust	7	61,000	10,460	125,823
Nottingham University Hospitals NHS Trust	7	60,000	5,805	69,570
South Tees Hospitals NHS Foundation Trust	6	148,546	22,163	116,400
East Lancashire Hospitals NHS Trust	6	108,749	7,160	76,718
Bedfordshire Hospitals NHS Foundation Trust	6	104,000	9,259	137,311
Royal Wolverhampton NHS Trust (The)	6	122,500	19,065	133,125
The Leeds Teaching Hospitals NHS Trust	6	274,195	34,761	306,391
Portsmouth Hospitals NHS Trust	6	151,500	37,764	147,750
Royal Cornwall Hospitals NHS Trust	6	76,500	6,723	110,965
Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust	6	38,033	15,315	111,500
Northampton General Hospital NHS Trust	6	40,500	10,041	100,415
University College London Hospitals NHS Foundation Trust	5	96,192	17,623	125,882
Royal Free London NHS Foundation Trust	5	121,300	20,768	122,500
Barnsley Hospital NHS Foundation Trust	5	85,250	6,099	98,160
Dudley Group NHS Foundation Trust (The)	5	91,000	15,844	77,700
Oxford University Hospitals NHS Foundation Trust	5	28,500	21,511	88,751
Lancashire Teaching Hospitals NHS Foundation Trust	5	141,500	26,629	130,884
Bradford Teaching Hospitals NHS Foundation Trust	5	50,924	15,714	134,371
East Kent Hospitals University NHS Foundation Trust	5	172,675	44,969	197,025
Kettering General Hospital NHS Foundation Trust	5	78,450	8,459	70,606
Northern Lincolnshire & Goole Hospitals NHS Foundation Trust	5	30,500	8,717	48,711
Calderdale & Huddersfield NHS Foundation Trust	5	153,913	10,315	81,822
Mersey and West Lancashire Hospitals NHS Trust	5	34,465	14,871	74,500
Newcastle Upon Tyne Hospitals NHS Foundation Trust (The)	5	537,550	84,312	241,717
University Hospitals Bristol & Weston NHS Foundation Trust	#	#	#	#
Blackpool Teaching Hospitals NHS Foundation Trust	#	#	#	#
Norfolk & Norwich University Hospitals NHS Foundation Trust	#	#	#	#
Walton Centre NHS Foundation Trust (The)	#	#	#	#
Epsom and St Helier University Hospitals NHS Trust	#	#	#	#
West Hertfordshire Hospitals NHS Trust	#	#	#	#
University Hospitals Dorset NHS Foundation Trust	#	#	#	#
United Lincolnshire Hospitals NHS Trust	#	#	#	#
North Bristol NHS Trust	#	#	#	#
Imperial College Healthcare NHS Trust	#	#	#	#
Northern Care Alliance NHS Foundation Trust	#	#	#	#
University Hospital Southampton NHS Foundation Trust	#	#	#	#
Birmingham Women's and Children's NHS Foundation Trust	#	#	#	#

Table 4: Number and cost of Clinical Claims Closed with a damages payment between financial years '2019/20' and '2023/24' where the Primary Cause is 'Retained Instrument Post-Operation' or 'Foreign Body Left In Situ'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure. Broken down by Trust.

ClosedSettled	Y
Claim_Outcome	Damages Paid

Trust	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid
Worcestershire Acute Hospitals NHS Trust	#	#	#	#
Wrightington, Wigan and Leigh NHS Foundation Trust	#	#	#	#
Kingston Hospital NHS Foundation Trust	#	#	#	#
East Suffolk and North Essex NHS Foundation Trust	#	#	#	#
Lewisham & Greenwich NHS Trust	#	#	#	#
Sherwood Forest Hospitals NHS Foundation Trust	#	#	#	#
Dartford and Gravesham NHS Trust	#	#	#	#
Somerset NHS Foundation Trust	#	#	#	#
Gloucestershire Hospitals NHS Foundation Trust	#	#	#	#
Liverpool Women's Hospital NHS Foundation Trust	#	#	#	#
Cambridge University Hospitals NHS Foundation Trust	#	#	#	#
North Middlesex University Hospital NHS Trust	#	#	#	#
East Sussex Healthcare NHS Trust	#	#	#	#
North West Anglia NHS Foundation Trust	#	#	#	#
Ramsay Healthcare	#	#	#	#
Stockport NHS Foundation Trust	#	#	#	#
Royal Devon University Healthcare NHS Foundation Trust	#	#	#	#
Surrey and Sussex Healthcare NHS Trust	#	#	#	#
Royal United Hospitals Bath NHS Foundation Trust	#	#	#	#
Homerton Healthcare NHS Foundation Trust	#	#	#	#
Salisbury NHS Foundation Trust	#	#	#	#
Maidstone and Tunbridge Wells NHS Trust	#	#	#	#
Chelsea & Westminster Hospital NHS Foundation Trust	#	#	#	#
Mid Cheshire Hospitals NHS Foundation Trust	#	#	#	#
NHS England	#	#	#	#
Tameside and Glossop Integrated Care NHS Foundation Trust	#	#	#	#
University Hospitals of Morecambe Bay NHS Foundation Trust	#	#	#	#
University Hospitals Coventry & Warwickshire NHS Trust	#	#	#	#
Central London Community Healthcare NHS Trust	#	#	#	#
Great Western Hospitals NHS Foundation Trust	#	#	#	#
East and North Hertfordshire NHS Trust	#	#	#	#
Torbay & South Devon NHS Foundation Trust	#	#	#	#
Practice Plus Group	#	#	#	#
University Hospitals of Derby and Burton NHS Foundation Trust	#	#	#	#
East Cheshire NHS Trust	#	#	#	#
Mersey Care NHS Foundation Trust	#	#	#	#
Royal Berkshire NHS Foundation Trust	#	#	#	#
York and Scarborough Teaching Hospitals NHS Foundation Trust	#	#	#	#
Bridgewater Community Healthcare NHS Trust	#	#	#	#
Coventry and Warwickshire Partnership NHS Trust	#	#	#	#
Royal National Orthopaedic Hospital NHS Trust	#	#	#	#
North Cumbria Integrated Care NHS Foundation Trust	#	#	#	#
Sandwell & West Birmingham Hospitals NHS Trust	#	#	#	#
North Tees & Hartlepool NHS Foundation Trust	#	#	#	#
Frimley Health NHS Foundation Trust	#	#	#	#
Bolton NHS Foundation Trust	#	#	#	#
George Eliot Hospital NHS Trust	#	#	#	#
Wirral University Teaching Hospital NHS Foundation Trust	#	#	#	#
Shrewsbury and Telford Hospital NHS Trust	#	#	#	#
Milton Keynes Hospital NHS Foundation Trust	#	#	#	#
Bristol, North Somerset and South Gloucestershire Integrated Care Board	#	#	#	#
Derbyshire Community Health Services	#	#	#	#
Gloucestershire Health and Care NHS Foundation Trust	#	#	#	#
Nottinghamshire Healthcare NHS Foundation Trust	#	#	#	#
Buckinghamshire Healthcare NHS Trust	#	#	#	#
Cornwall Partnership NHS Foundation Trust	#	#	#	#
Queen Victoria Hospital NHS Foundation Trust	#	#	#	#
Countess of Chester Hospital NHS Foundation Trust	#	#	#	#
Northamptonshire Healthcare NHS Foundation Trust	#	#	#	#
The Christie NHS Foundation Trust	#	#	#	#

Table 4: Number and cost of Clinical Claims Closed with a damages payment between financial years '2019/20' and '2023/24' where the Primary Cause is 'Retained Instrument Post-Operation' or 'Foreign Body Left In Situ'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure. Broken down by Trust.

ClosedSettled	Y
Claim_Outcome	Damages Paid

Trust	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid
West Suffolk NHS Foundation Trust	#	#	#	#
Medway Community Healthcare	#	#	#	#
Royal Surrey County Hospital NHS Foundation Trust (The)	#	#	#	#
The Queen Elizabeth Hospital King's Lynn NHS Foundation Trust	#	#	#	#
Community Eye Care	#	#	#	#
The Rotherham NHS Foundation Trust	#	#	#	#
Royal Papworth Hospital NHS Foundation Trust	#	#	#	#
The Royal Orthopaedic Hospital NHS Foundation Trust	#	#	#	#
Isle of Wight NHS Trust	#	#	#	#
Princess Alexandra Hospital NHS Trust (The)	#	#	#	#
James Paget University Hospitals NHS Foundation Trust	#	#	#	#
Ashford & St Peter's Hospitals NHS Foundation Trust	#	#	#	#
Northumbria Healthcare NHS Foundation Trust	#	#	#	#
Hampshire Hospitals NHS Foundation Trust	#	#	#	#
Whittington Health NHS Trust	#	#	#	#
Croydon Health Services NHS Trust	#	#	#	#
Care Plus	#	#	#	#
Sheffield Children's NHS Foundation Trust	#	#	#	#
Bradford District Care Trust	#	#	#	#
Nuffield Health	#	#	#	#
Moorfields Eye Hospital NHS Foundation Trust	#	#	#	#
Grand Total	556	14,839,727	2,266,196	13,100,319

Table 5: Number and Cost of Clinical Claims Closed between financial years '2019/20' and '2023/24' with NIL damages paid where the Primary Cause is 'Retained Instrument Post-Operation' or 'Foreign Body Left In Situ'. Broken down by Year.

ClosedSettled	Y
Claim_Outcome	Nil Damages

Year of Closure	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2019/20	45	0	136,013	0	136,013
2020/21	41	0	59,662	0	59,662
2021/22	33	0	65,356	12,000	77,356
2022/23	29	0	63,950	0	63,950
2023/24	37	0	56,685	0	56,685
Grand Total	185	0	381,666	12,000	393,666