



Resolution

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February 2025

FOI_6957

The following information was requested on 12 January 2025 and clarified on 15 January 2025:

[You requested on 12 January 2025]

*In cases where injury is '**Bile duct damage**', please supply all information between financial years 1994/1995 and 2023/2024 for:*

- 1. Most likely cause of injury for successful claims (closed claims with damages paid) in each financial year*
- 2. Most likely cause of injury for unsuccessful claims (closed claims with nil damages) in each financial year*
- 3. Primary specialty in each year*
- 4. Free text incident description field for all successful claims (closed claims with damages paid) in each financial year*
- 5. Free text incident description field for all unsuccessful claims (closed claims with nil damages) in each financial year*
- 6. Total number of claims in each year*
- 7. Number of closed claims in each year with damages and legal costs paid*
- 8. Number of closed claims in each year with nil damages paid*
- 9. Number of open claims*

[We sought clarification on 13 January 2025]

Thank you for your request for information.

We are able to report on claims data from 2006/07 – 2023/24. Are you interested in this information?

We are not able to provide the information provided in the incident description field as it can be unreliable and is not recorded in a standardised way (it is also not always completed). It may also contain personal information which would need to be redacted.

We also do not report on open claims as it is subject to change on a daily basis.

We can provide the other information you have requested.

We look forward to hearing from you.

[You replied on 14 January 2025 with]

Thank you.

I am interested in claims data from 2006/07 – 2023/24, and I will look forward to receiving this in due course.

I understand that you are not able to provide the entire incident description field. Would you be able to provide information on number of claims in which the term 'cholecystectomy' appears in this field?

I understand that you cannot provide information on open claims. Are you able to inform me simply of the number of such open claims?

[We replied on 14 January 2025 with]:

Thank you for the response,

We do not have a code for cholecystectomy. For a list of the clinical codes used in our claims management system please see: [CNST-Codes.xlsx](#)

Please let us know if you would like us to search for another term listed in the above link.

[You replied on 15 January 2025 with]

Thank you.

Please omit the request for cholecystectomy and provide information as requested.

Our Response

Please find attached the requested information we are able to provide. We only hold claims data for England, not the rest of the UK.

Please note: We have recently changed the way we report on our FOIs to align better with our published documents. Streamlining our reporting on FOIs with our annual published reports may mean a variation in snapshot dates. This means this data may not align with previous similar requests and it may not be possible for you to compare this information with a previous request. For further information, please refer to [Understanding NHS Resolution data - NHS Resolution](#)

For part of this request (table 4 attached) we have used our Supplementary Annual Statistics (SAS) dataset to ensure the data represents the most up to date information. For further information about our SAS dataset please see: [Annual statistics \(including Factsheet 5\) - NHS Resolution](#). Therefore, our response to this request may not align with other publications on our website.

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.

The data provided relates to these indemnity schemes:

- Clinical Negligence Scheme for Trusts (CNST), which covers clinical negligence claims for incidents occurring on or after 1 April 1995.
- DHSC Clinical covers clinical negligence liabilities that have transferred to the Secretary of State for Health and Social Care following the abolition of any relevant health bodies.
- Existing Liabilities Scheme (DHSC) is centrally funded by the Department of Health and Social Care (DHSC), covering clinical negligence claims against NHS organisations for incidents occurring before 1 April 1995.
- Existing Liabilities Scheme for General Practice (ELSGP), a state indemnity scheme for general practice, providing indemnity cover for NHS clinical negligence claims made against current and former GP members of medical defence organisations in respect of liabilities incurred before 1 April 2019.
- Clinical Negligence Scheme for General Practice (CNSGP), a state backed indemnity scheme for general practice. Coverage began on Monday 1 April 2019.

For information about our Clinical Negligence Schemes, please visit our website here: [Clinical schemes - NHS Resolution](#). Please find attached the following tables:

Table 1 shows: - Number of Clinical Claims and Incidents received between financial years 2006/07 and 2023/24 where the primary injury is '**Bile duct Damage**'.

Table 2 shows: - Number and cost of Clinical Claims Closed (or settled with a periodical payment order) between the 2006/07 and 2023/24 financial years with a damages payment, where the Primary Injury is '**Bile Duct Damage**', broken down by year and specialty. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

Table 3 shows: - Number and cost of Clinical Claims Closed between the 2006/07 and 2023/24 financial years with **NIL** damages, where the Primary Injury is '**Bile Duct Damage**', broken down by year and specialty.

Table 4 shows: - Number of Open Clinical Claims and Incidents (for claims received between financial years 2006/07 and 2023/24) where the Primary Injury is '**Bile Duct Damage**'. The figure represents the number of open claims as at the end of the 2023/24 financial year.

Please note: Open cases are not yet concluded and may or may not result in an award for damages.

PPOs

The information disclosed includes damages and costs paid up to the end of the settlement year (in Periodical payment order (PPO) cases) and up to the end of the closure year in non-PPO cases.

PPOs are an agreement between the parties, to pay an initial lump sum and regular future payments (PPO damages) related to the injured party's ongoing needs, usually care for life i.e., a percentage of the full value of the claim is paid at the point of settlement (lump sum damages) with the balance paid at regular intervals over subsequent years. The information disclosed includes lump sum damages, costs and any PPO damages paid up to the end of the year of settlement. It does not include PPO damages, which have been committed to but due to be paid after the settlement year.

Low figures

We have not provided the information for low figures involved as we believe that disclosure of information with this level of granularity is exempt under Section 40(2) by virtue of section 40(3A) (a) of the FOI Act, where disclosure to a member of the public would contravene one or more of the data protection principles. The data protection principles are set out in Article 5 of the General Data Protection Regulation. We take the view that it would not be fair or lawful (given the sensitive and confidential nature of the information held) to disclose such information, and any disclosure would therefore contravene the first data protection principle.

In some instances, the low numbers of claims (fewer than 5) in each category, the likelihood exists that individuals who are the subject of this information may be identified either from this information alone, or in combination with other available information. In addition to this, as this information is considered to be sensitive personal data (the data subjects' medical condition); NHS Resolution believes it has a greater responsibility to protect those individuals' identities, as disclosure could potentially cause damage and/or distress to those involved.

Further to our obligations to provide advice and assistance, you may find it helpful to review the work of the [Getting It Right First Time team](#) with whom NHS Resolution has been working with to undertake in-depth analysis of our claims data. They have produced several [reports](#) from analysing our claims data which has been shared

following approval of the confidentiality advisory group to the use of confidential patient information for this purpose.

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

This concludes our response to your request.

If you are not satisfied with the service that you have received in response to your information request, it is open to you to make a complaint and request a formal review of our decisions. If you choose to do this, you should write to [Tinku Mitra](#), Deputy Director of Corporate and Information Governance for NHS Resolution, within 28 days of your receipt of this reply. Reviews of decisions made in relation to information requests are carried out by a person who was not involved in the original decision-making about the request.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a review of the decision. Generally, the Information Commissioner will not make a decision unless you have exhausted the local complaints procedure. The address of the Information Commissioner's Office is:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

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

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NB: Number of claims fewer than 5 (and any associated values, within the same row) are masked with a "#" (in accordance with Data Protection guidelines). Accordingly, some total values may also be approximated to prevent masked values to be deduced through reverse calculation.

Table 1: Number of Clinical Claims and Incidents received between financial years 2006/07 and 2023/24 where the primary injury is 'Bile duct Damage'.

Table 2: Number and cost of Clinical Claims Closed (or settled with a periodical payment order) between the 2006/07 and 2023/24 financial years with a damages payment, where the Primary Injury is 'Bile Duct Damage', broken down by year and specialty. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

Table 3: Number and cost of Clinical Claims Closed between the 2006/07 and 2023/24 financial years with NIL damages, where the Primary Injury is 'Bile Duct Damage', broken down by year and specialty. The data includes the legal costs paid up until the end of each relevant financial year of closure.

Table 4: Number of Open Clinical Claims and Incidents (for claims received between financial years 2006/07 and 2023/24) where the Primary Injury is 'Bile Duct Damage'. The figure represents the number of open claims as at the end of the 2023/24 financial year.

Table 1: Number of Clinical Claims and Incidents received between financial years 2006/07 and 2023/24 where the primary injury is 'Bile duct Damage'.

Notified Y

Year of Notification	No. of Claims
2006/07	20
2007/08	16
2008/09	19
2009/10	22
2010/11	38
2011/12	29
2012/13	36
2013/14	36
2014/15	47
2015/16	30
2016/17	43
2017/18	26
2018/19	30
2019/20	32
2020/21	35
2021/22	19
2022/23	24
2023/24	23
Grand Total	525

Table 2: Number and cost of Clinical Claims Closed (or settled with a periodical payment order) between the 2006/07 and 2023/24 financial years with a damages payment, where the Primary Injury is 'Bile Duct Damage', broken down by year and specialty. 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.

ClosedSettled	Y
Claim_Outcome	Damages Paid

Year of Closure (Settlement Year for PPOs) -Specialty	No. of Claims	Damages Paid	NHS Legal costs Paid	Claimant Costs Paid	Total Paid
2006/07					
General Surgery	14	1,069,604	138,611	360,776	1,568,991
2007/08					
Gastroenterology	#	#	#	#	#
General Surgery	18	1,168,605	200,066	663,588	2,032,259
2008/09					
General Surgery	10	706,818	62,700	275,133	1,044,652
2009/10					
General Surgery	15	1,779,539	208,062	721,503	2,709,103
Surgical Speciality - Other	#	#	#	#	#
2010/11					
Gastroenterology	#	#	#	#	#
General Surgery	19	2,219,600	267,338	1,039,852	3,526,790
Surgical Speciality - Other	#	#	#	#	#
Urology	#	#	#	#	#
2011/12					
Emergency Medicine	#	#	#	#	#
Gastroenterology	#	#	#	#	#
General Surgery	20	1,757,450	130,829	727,650	2,615,929
2012/13					
Emergency Medicine	#	#	#	#	#
Gastroenterology	#	#	#	#	#
General Surgery	14	1,268,884	102,520	634,900	2,006,303
2013/14					
Gastroenterology	#	#	#	#	#
General Surgery	24	1,970,789	152,128	1,104,668	3,227,586
Intensive Care Medicine	#	#	#	#	#
Surgical Speciality - Other	#	#	#	#	#
2014/15					
Gastroenterology	6	1,833,600	157,849	664,160	2,655,610
General Surgery	24	1,704,587	109,492	984,057	2,798,136
Urology	#	#	#	#	#
2015/16					
Gastroenterology	#	#	#	#	#
General Surgery	18	1,541,353	155,006	1,104,069	2,800,429
Urology	#	#	#	#	#
2016/17					
Gastroenterology	#	#	#	#	#
General Surgery	33	3,887,073	381,439	1,995,364	6,263,877
2017/18					
Emergency Medicine	#	#	#	#	#
Gastroenterology	#	#	#	#	#
General Medicine	#	#	#	#	#
General Surgery	28	4,554,034	454,099	2,213,146	7,221,278
2018/19					
Emergency Medicine	#	#	#	#	#
Gastroenterology	5	661,951	31,643	197,000	890,595
General Surgery	19	2,162,908	263,123	1,054,155	3,480,186
Surgical Speciality - Other	#	#	#	#	#
2019/20					

Table 2: Number and cost of Clinical Claims Closed (or settled with a periodical payment order) between the 2006/07 and 2023/24 financial years with a damages payment, where the Primary Injury is 'Bile Duct Damage', broken down by year and specialty. 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.

ClosedSettled	Y
Claim_Outcome	Damages Paid

Year of Closure (Settlement Year for PPOs) -Specialty	No. of Claims	Damages Paid	NHS Legal costs Paid	Claimant Costs Paid	Total Paid
Gastroenterology	#	#	#	#	#
General Surgery	29	2,420,962	316,778	1,418,843	4,156,583
Paediatric Surgery	#	#	#	#	#
Radiology	#	#	#	#	#
Surgical Speciality - Other	#	#	#	#	#
2020/21					
Gastroenterology	#	#	#	#	#
General Surgery	27	4,822,133	546,711	1,989,200	7,358,044
2021/22					
Gastroenterology	5	896,545	87,060	424,586	1,408,190
General Practice	#	#	#	#	#
General Surgery	29	3,386,881	496,533	1,892,663	5,776,077
Surgical Speciality - Other	#	#	#	#	#
2022/23					
Gastroenterology	5	632,250	36,130	181,900	850,280
General Practice	#	#	#	#	#
General Surgery	18	3,307,169	258,816	1,324,250	4,890,236
Radiology	#	#	#	#	#
Surgical Speciality - Other	#	#	#	#	#
2023/24					
Emergency Medicine	#	#	#	#	#
Gastroenterology	#	#	#	#	#
General Surgery	16	2,142,636	177,598	872,240	3,192,475
Surgical Speciality - Other	#	#	#	#	#

Table 3: Number and cost of Clinical Claims Closed between the 2006/07 and 2023/24 financial years with NIL damages, where the Primary Injury is 'Bile Duct Damage', broken down by year and specialty. The data includes the legal costs paid up until the end of each relevant financial year of closure.

ClosedSettled	Y
Claim_Outcome	Nil Damages

Year of Closure -Specialty	No. of Claims	NHS Legal costs Paid	Claimant Costs Paid	Total Paid
2006/07				
General Surgery	9	11,049	0	11,049
Paediatric Surgery	#	#	#	#
Gastroenterology	#	#	#	#
Urology	#	#	#	#
2007/08				
General Surgery	#	#	#	#
2008/09				
General Surgery	#	#	#	#
2009/10				
General Surgery	5	0	0	0
2010/11				
General Surgery	6	15,804	0	15,804
2011/12				
General Surgery	8	29,746	0	29,746
Gastroenterology	#	#	#	#
Surgical Speciality - Other	#	#	#	#
2012/13				
Gastroenterology	#	#	#	#
General Surgery	#	#	#	#
2013/14				
General Surgery	9	27,025	0	27,025
Gastroenterology	#	#	#	#
District Nursing	#	#	#	#
2014/15				
General Surgery	8	7,256	0	7,256
Gastroenterology	#	#	#	#
Cardiology	#	#	#	#
2015/16				
General Surgery	#	#	#	#
Gastroenterology	#	#	#	#
Surgical Speciality - Other	#	#	#	#
2016/17				
General Surgery	7	16,495	0	16,495
Gastroenterology	#	#	#	#
2017/18				
General Surgery	7	35,726	#	40,026
Gastroenterology	#	#	#	#

Table 3: Number and cost of Clinical Claims Closed between the 2006/07 and 2023/24 financial years with NIL damages, where the Primary Injury is 'Bile Duct Damage', broken down by year and specialty. The data includes the legal costs paid up until the end of each relevant financial year of closure.

ClosedSettled	Y
Claim_Outcome	Nil Damages

Year of Closure -Specialty	No. of Claims	NHS Legal costs Paid	Claimant Costs Paid	Total Paid
Surgical Speciality - Other	#	#	#	#
2018/19				
General Surgery	5	68,740	0	68,740
Surgical Speciality - Other	#	#	#	#
Urology	#	#	#	#
2019/20				
General Surgery	6	6,015	0	6,015
Gastroenterology	#	#	#	#
2020/21				
General Practice	#	#	#	#
Gastroenterology	#	#	#	#
General Surgery	#	#	#	#
2021/22				
General Surgery	8	19,974	0	19,974
General Practice	#	#	#	#
Gastroenterology	#	#	#	#
2022/23				
General Practice	#	#	#	#
Gastroenterology	#	#	#	#
General Surgery	#	#	#	#
2023/24				
General Surgery	#	#	#	#

Table 4: Number of Open Clinical Claims and Incidents (for claims received between financial years 2006/07 and 2023/24) where the Primary Injury is 'Bile Duct Damage'. The figure represents the number of open claims as at the end of the 2023/24 financial year.

No. of Claims/Incidents
72