



Resolution

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September 2025
FOI_7393

The following information was requested and clarified on 14 August 2025:

Dear NHS Resolution, I would like to request anonymised detailed clinical and non-clinical negligence claims in NHS Oral and Maxillofacial Surgery from September 1, 2010, to December 31, 2024.

[We sought clarification on 14 August 2025]

We can provide information for Oral and Maxillofacial claims, but only in Financial years, i.e. 2010/11 to 2024/25.

Please, can you confirm what information you require?

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

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).

Would you be interested in this data?

[You clarified on the same day]

Financial years, i.e. 2010/11 to 2024/25 would be perfect.

Yes number of claims received for OMFS and also the number closed with nil damages paid, number closed with damages payment and associated costs, breakdown by primary cause; breakdown by primary injury would be ideal in a excel spreadsheet format or similar if possible please.

Our Response

Please find attached the requested information. We hold claims data for England, not the rest of 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>.

Oral & Maxillo Facial Surgery comes under our clinical scheme, therefore non-clinical claims will not be applicable in this case.

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 unsuccessful), challenged, reopened and closed again at conclusion.

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. In some circumstances, volumes of reported cases may be impacted by multiple claims notified in relation to one cause of action. As such, year on year fluctuations cannot necessarily be interpreted as trends.

For information about our Clinical Negligence Schemes, please visit our website here: [Clinical schemes - NHS Resolution](#).

Table 1 shows: Number of Clinical Claims and Incidents received between financial years 2010/11 and 2024/25 where the Specialty is 'Oral & Maxillo Facial Surgery'.

Table 2 shows: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2010/11 and 2024/25 with a damages payment, where the Specialty is 'Oral & Maxillo Facial 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.

Table 3 shows: Number and Cost of Clinical Claims Closed between financial years 2010/11 and 2024/25 with **NIL** damages paid where the Specialty is 'Oral & Maxillo Facial Surgery'.

Table 4 shows: Number and cost of Primary Causes for Clinical Claims Closed with a damages payment or Settled with a periodical payment order between financial years 2010/11 and 2024/25 with a damages payment, where the Specialty is 'Oral & Maxillo Facial Surgery'.

Table 5 shows: Number and cost of Primary Injuries for Clinical Claims Closed with a damages payment or Settled with a periodical payment order between financial years 2010/11 and 2024/25 with a damages payment, where the Specialty is 'Oral & Maxillo Facial Surgery'.

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.

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

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

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 [Joanne Appleby](#), Deputy 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 2010/11 and 2024/25 where the Specialty is 'Oral & Maxillo Facial Surgery'.

Table 2: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2010/11 and 2024/25 with a damages payment, where the Specialty is 'Oral & Maxillo Facial 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.

Table 3: Number and Cost of Clinical Claims Closed between financial years 2010/11 and 2024/25 with NIL damages paid where the Specialty is 'Oral & Maxillo Facial Surgery'.

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Table 1: Number of Clinical Claims and Incidents received between financial years 2010/11 and 2024/25 where the Specialty is 'Oral & Maxillo Facial Surgery'.

Notified Y

Year of Notification	No. of Claims
2010/11	37
2011/12	80
2012/13	81
2013/14	98
2014/15	213
2015/16	111
2016/17	107
2017/18	120
2018/19	105
2019/20	111
2020/21	93
2021/22	86
2022/23	72
2023/24	69
2024/25	86
Grand Total	1,469

Table 2: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2010/11 and 2024/25 with a damages payment, where the Specialty is 'Oral & Maxillo Facial 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.

ClosedSettled	Y
ClaimOutcome	Damages Paid

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2010/11	33	860,205	215,576	754,736	1,830,516
2011/12	37	1,225,535	119,739	763,465	2,108,739
2012/13	35	361,703	70,194	506,063	937,959
2013/14	55	1,881,615	743,206	3,515,339	6,140,160
2014/15	45	562,554	142,413	849,154	1,554,121
2015/16	61	2,078,955	306,692	1,673,396	4,059,042
2016/17	75	2,027,326	572,992	2,357,673	4,957,991
2017/18	78	1,963,487	477,597	2,198,942	4,640,025
2018/19	107	2,407,107	787,992	2,559,624	5,754,723
2019/20	83	3,950,612	713,048	2,480,542	7,144,202
2020/21	86	2,989,334	669,101	2,452,839	6,111,273
2021/22	99	8,345,245	1,061,189	3,345,461	12,751,895
2022/23	82	5,176,368	744,132	2,727,351	8,647,851
2023/24	59	3,590,225	479,161	2,258,264	6,327,650
2024/25	63	5,591,978	727,952	3,180,852	9,500,781
Grand Total	998	43,012,247	7,830,982	31,623,700	82,466,929

Table 3: Number and Cost of Clinical Claims Closed between financial years 2010/11 and 2024/25 with NIL damages paid where the Specialty is 'Oral & Maxillo Facial Surgery'.

ClosedSettled	Y
ClaimOutcome	Nil Damages

Year of Closure	No. of Claims	NHS Legal Costs Paid	Claimant Legal Costs Paid
2010/11	14	5,763	0
2011/12	18	17,126	0
2012/13	29	23,490	#
2013/14	30	23,436	0
2014/15	29	41,444	0
2015/16	39	46,238	#
2016/17	49	120,403	#
2017/18	50	127,681	21,000
2018/19	60	103,071	15,000
2019/20	31	72,725	6,000
2020/21	36	120,629	8,500
2021/22	29	134,741	0
2022/23	36	198,153	32,700
2023/24	25	76,664	32,046
2024/25	30	133,598	0

Table 4: Number and cost of Primary Causes for Clinical Claims Closed with a damages payment or Settled with a periodical payment order between financial years 2010/11 and 2024/25 with a damages payment, where the Specialty is 'Oral & Maxillo Facial Surgery'

ClosedSettled ClaimOutcome	Y Damages Paid			
Primary Causes	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid
Inappropriate Treatment	205	10,595,574	1,794,076	4,681,343
Fail / Delay Treatment	145	7,019,220	1,269,742	4,842,143
Fail To Warn-Informed Consent	116	4,250,775	1,083,485	3,988,372
Intra-Op Problems	95	3,544,188	676,742	3,512,081
Operator Error	86	1,520,376	243,714	1,597,287
Failure/Delay Diagnosis	72	6,800,849	1,368,968	5,930,985
Wrong Site Surgery	35	283,611	30,019	298,839
Fail To Recog. Complication Of	32	1,117,810	217,358	960,348
Equipment Malfunction	26	323,923	45,533	362,823
Foreign Body Left In Situ	19	205,660	42,366	240,767
Delay In Performing Operation	18	1,258,541	167,752	796,850
Failure To Interpret X-Ray	14	212,758	28,024	304,400
Perform. Of Op. Not Indicated	12	1,609,416	177,241	601,089
Failure To Perform Operation	11	331,674	67,316	368,350
Fail To Follow-Up Arrangements	10	232,662	56,815	268,817
Failure To X-Ray	10	125,333	31,750	246,861
Diathermy Burns/react. To Prep	9	35,850	8,187	86,225
Other	9	106,100	40,722	264,108
Wrong Diagnosis	7	769,113	22,478	352,500
Bacterial Infection	7	392,176	90,424	267,850
Lack Of Pre-Op Evaluation	6	80,500	23,764	116,804
Failure To Perform Tests	6	301,000	37,187	191,000
Inadequate Nursing Care	6	197,542	36,137	140,000
Tooth Inj & Patient Posit Prob	5	65,285	7,059	68,250
Fail To Act On Abnorm Test Res	#	#	#	#
Fail To Supervise	#	#	#	#
Fail To Carry Out PO Observs.	#	#	#	#
Inadequate Monitoring Intra-Op	#	#	#	#
Lack Of Assistance/Care	#	#	#	#
Medication Errors	#	#	#	#
Lack Of Facilities/Equipment	#	#	#	#
Retained Instrument Post-Operation	#	#	#	#
Application Of Excess Force	#	#	#	#
Err With Agnt/Dose/Route/Selec	#	#	#	#
Fail To Infrm Test Rslts	#	#	#	#
Inappropriate Discharge	#	#	#	#
Improp. Delegation To Junior	#	#	#	#
Intubation Problems	#	#	#	#
Inapprop. Case Selection	#	#	#	#
Sexual Abuse	#	#	#	#
Fail/Delay Referring To Hosp.	#	#	#	#
Grand Total	998	43,012,247	7,830,982	31,623,700

Table 5: Number and cost of Primary Injuries for Clinical Claims Closed with a damages payment or Settled with a periodical payment order between financial years 2010/11 and 2024/25 with a damages payment, where the Specialty is 'Oral & Maxillo Facial Surgery'

ClosedSettled	Y
ClaimOutcome	Damages Paid

Primary Injury	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Adtnl/unnecessary Operation(s)	269	8,061,309	1,750,407	5,277,383	15,089,099
Nerve Damage	134	8,305,447	1,315,442	4,993,377	14,614,266
Dental Damage	124	1,955,329	586,638	2,524,889	5,066,856
Unnecessary Pain	121	2,477,158	566,779	2,953,627	5,997,564
Scarring	50	1,227,058	140,513	1,063,099	2,430,670
Burn(s)	40	562,025	78,727	619,908	1,260,660
Cosmetic Disfigurement	31	2,503,835	255,693	1,074,720	3,834,248
Cancer	27	2,667,670	464,913	1,846,254	4,978,837
Fatality	27	3,802,561	912,723	3,723,673	8,438,958
Poor Outcome - Fractures Etc.	23	495,695	95,874	458,442	1,050,011
Fracture	20	435,512	69,965	603,200	1,108,677
Advanced Stage Cancer	19	1,960,725	213,015	1,127,277	3,301,017
Other	16	470,499	88,402	617,073	1,175,975
Psychiatric/Psychological Dmge	13	207,910	116,882	558,358	883,150
Other Infection	10	385,770	88,159	284,129	758,058
Blindness	8	750,627	99,064	472,892	1,322,584
Other Visual Problems	7	160,480	119,421	542,300	822,201
Multiple Injuries	7	1,835,803	108,609	255,500	2,199,912
Cardiac Arrest	6	547,325	78,469	387,500	1,013,294
Brain Damage	5	2,622,231	171,454	644,631	3,438,316
Partial Paralysis	#	#	#	#	#
Tissue Damage	#	#	#	#	#
Partial Hearing Loss	#	#	#	#	#
Infection (bacterial)	#	#	#	#	#
Deafness	#	#	#	#	#
Anaphylact Shock/Allergic Shock/allergy	#	#	#	#	#
Fistula	#	#	#	#	#
Pressure Sores	#	#	#	#	#
Bruising/ Extravasation	#	#	#	#	#
Infectious Diseases	#	#	#	#	#
Cardiovascular Condition	#	#	#	#	#
Stroke	#	#	#	#	#
Renal Damage/ Failure	#	#	#	#	#
Addiction/Dependency	#	#	#	#	#
Radiation Exposure	#	#	#	#	#
Benign Tumour	#	#	#	#	#
Hospital Acquired Infection	#	#	#	#	#
Not Specified	#	#	#	#	#
Unwanted Pregnancy	#	#	#	#	#
Perforation	#	#	#	#	#
Compartment Syndrome	#	#	#	#	#
Dislocation	#	#	#	#	#
Reduced Life Expectancy	#	#	#	#	#
Pierced Ear Drum	#	#	#	#	#
Vocal Cord Damage	#	#	#	#	#
Malignant Tumour	#	#	#	#	#
Grand Total	998	43,012,247	7,830,982	31,623,700	82,466,929