

Resolution

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FOI_7731

The following information was requested on 17 February and clarified on 18 February 2026:

[On 17 February 2026 you requested]:

This email represents a request for information under the freedom of information act for details of any claims processed by NHS Resolutions related to the following procedures in oral and maxillofacial surgery:

- Orthognathic surgery
- Sagittal split osteotomy
- Le Fort osteotomy
- Maxillary osteotomy
- Mandibular osteotomy
- Genioplasty

The details from these cases that I would like, as far as possible, are as follows:

- Procedure carried out
 - Le Fort I osteotomy
 - Bilateral sagittal split osteotomy (BSSO)
 - Genioplasty
 - Bimaxillary osteotomy
 - Other
 - Any combinations of the above
- Indication for surgery
 - Malocclusion
 - Any details about the type of malocclusion where possible e.g. class II skeletal relationship, anterior open bite etc.
 - Trauma
 - Aesthetic
 - Other
- Nature of patient complaint
 - postoperative complications
 - delayed treatment
 - failure to diagnose
 - incorrect choice of intervention
 - inadequate follow-up
 - inadequate informed consent
 - denied treatment
 - other
 - unknown
- Year of procedure
- Outcome of claim
- Value of any compensation paid out

I understand from previous correspondence with your organisation that only three claims have been raised related to these procedures in the last ten years. I was also told that due to the small number of cases, that the organisation could not share any information.

I would like to highlight the decision of the 2021 upper tribunal court case number GIA/0136/2021 for administrative appeals which ruled in a case against NHSBSA that a small number of cases is, in isolation, insufficient to prove that the information is potentially identifiable based on the use of other publicly available data.

Given that thousands of orthognathic procedures are conducted annually across the UK, and we are not requesting any details on location, it is incorrect to say that supplying the requested data would result in a realistic likelihood of potential patient identification using this and other publicly available data. Therefore, not providing it would be a breach of the organisation's obligations under the freedom of information act.

[On 17 February 2026 we replied with]:

Thank you for your request to NHS Resolution. Before we can respond, I would like to clarify what information we hold and are able to provide.

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](#) (see the three tabs in the spreadsheet).

Unfortunately, we won't be able to break the data down by individual procedures, Indication for surgery etc.

We could provide you with the number of claims received for the specialty maxillofacial 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.

Please provide us with the time period you would like the data to cover.

We feel it may also be helpful for you to take a look at our Freedom of Information Disclosure log and the responses we published: [Fol Requests Archive - Oral Maxillofacial surgery](#).

Please refer to the above guidance and please advise what information you would like to receive.

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

[On 18 February 2026 you replied with]:

Thank you very much for your prompt response.

I had some informal discussion with about the data I am looking to access and I think ... carried out a search for me on the incident description field which gave some helpful details for my purposes.

If possible, I would like to only see data for claims which include the following terms in their incident description field:

- Orthognathic surgery*
- Orthognathic*
- Sagittal split osteotomy*
- BSSO*
- Le Fort osteotomy*

- *Maxillary osteotomy*
- *Mandibular osteotomy*
- *Bimaxillary osteotomy*
- *Genioplasty*

For the relevant claims, seeing the following data would be very helpful:

- *Number of claims per notification year*
- *Number closed with / without damages*
- *Damages paid to claimant*
- *Injury code*
- *Cause code*

In terms of time period, I would like to see data relating to the entire period held by NHS Resolutions, including data from its predecessor CNST, though I realise the costs associated are not directly comparable with NHS Resolutions data.

Our Response

Thank you for your request for information. Please note we only hold the claims data for the NHS in England and not the rest of the UK.

As previously advised, although NHS Resolution may hold some information relating to claims such as what you have requested (England only claims), 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](#). We do not have codes for:

- *Orthognathic surgery*
- *Orthognathic*
- *Sagittal split osteotomy*
- *BSSO*
- *Le Fort osteotomy*
- *Maxillary osteotomy*
- *Mandibular osteotomy*
- *Bimaxillary osteotomy*
- *Genioplasty*

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 manual review of all oral and maxillofacial surgery cases to identify which ones relate to claims involving the above. **Table 1** of the following request shows the number of oral and maxillofacial surgery claims we have received between 2010/11 – 2024/25: [FOI 7393 Oral-and-Maxillofacial-Surgery final.pdf](#). You will note there are over a thousand claims during this period.

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'.

We estimate that it would take on average 20 minutes to locate, retrieve and extract the requested information from an individual file. It may therefore be the case that we would be able to examine only 54 files within 18 hours.

In addition, given the complexity of clinical negligence claims and their litigation, it is possible for a single electronic or paper-based file to contain hundreds of documents in a variety of formats.

Please also note even if we were able to carry out a review of 54 random files, we may not be able to provide you with the level of detail you require owing to Data Protection grounds.

We would need to suppress low numbers or any information that could possibly lead to the identification of claimants, patients or individuals where disclosure would breach the General Data Protection Regulation.

Incident Description Field Search –

You asked what information can be reliably retrieved from our systems using an incident description field search.

We note your request for a keyword search. However, this search has proven to be **incomplete, inaccurate** and provided a misleading picture as there are a number of causes for claims and they are settled for a number of multi-factorial reasons and the primary cause and injury may not relate entirely to what has been entered into the short free-text field. This approach would also be reliant on the following precise phrases:

- *Orthognathic surgery*
- *Orthognathic*
- *Sagittal split osteotomy*
- *BSSO*
- *Le Fort osteotomy*
- *Maxillary osteotomy*
- *Mandibular osteotomy*
- *Bimaxillary osteotomy*
- *Genioplasty*

having been used (and **spelt correctly**) in the free text field rather than other synonyms or general descriptions of the patient's condition/treatment. We would also have to carry out a manual review of the individual cases identified from a free text search to ensure

they are in fact relevant to your search criteria. We believe this exercise would likely exceed the FOI cost limit.

Please refer to our published data sets for the information that is publicly available.

[Annual statistics - NHS Resolution](#)

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.

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 [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
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