



Resolution

8th Floor,
10 South Colonnade
Canary Wharf
London
E14 4PU

Telephone: 020 7811 2700

May 2026

FOI_7820

The following information was requested on 31 March 2026 and clarified on 01 April 2026:

[On 31 March 2026] you requested:

I am requesting this information under the Freedom of Information Act.

1. How many claims have been made against the NHS in relation to retained foreign objects post-procedure during the past three years? (2022/23, 2023/24, 2024/25)

(NB Please interpret 'retained foreign object post-procedure' as objects accidentally left inside patients following surgical procedures - e.g. guide wires, mouth props, surgical instruments, needles, vaginal swabs, throat packs, clips etc.)

1a) Please break down this information by year (as outlined above) for each NHS Hospital Trust

2. What is the total sum paid out in claims made against the NHS in relation to retained foreign objects post-procedure in the past three years? (2022/23, 2023/24, 2024/25)

2a) Please break down this information by year (as outlined above) for each NHS Hospital Trust.

2b) If possible, please provide the highest fee paid out by each NHS Hospital Trust in relation to claims for retained foreign objects post-procedure during each of the years outlined above.

3. How many of the claims made against the NHS in relation to retained foreign objects post-procedure in the past three years (2022/23, 2023/24, 2024/25):

- were settled with damages paid*
- were found to be without merit*
- remain open?*

[We replied with]

Thank you for reaching out to NHS Resolution.

I wanted to let you know that we have received several requests from individual trusts for the same information you mentioned. Based on this, I am assuming that you may have submitted these requests directly to the trusts as well. If that's the case, could I kindly ask you to withdraw your requests from the trusts? We are able to provide you with the information you need, broken down by each trust, which should make things easier and more efficient for everyone involved.

Please let me know if you have any questions or if there's anything else we can assist you with.

[You responded on 01 April 2026 with]

Thanks for your update. I'm happy to withdraw the requests from the trusts and agree that this approach would be more efficient for everyone.

However there was an additional question (with sub-questions) I had submitted to each individual trust. I have amended this to address to NHS Resolution, rather than the individual Trusts - can I confirm that you will be able to provide data for the below?

1. How many incidents of a retained foreign object post-procedure were logged by each NHS Hospital Trust in the past three years? (2022/23, 2023/24, 2024/25)

(NB Please interpret 'retained foreign object post-procedure' as objects accidentally left inside patients following surgical procedures - e.g. guide wires, mouth props, surgical instruments, needles, vaginal swabs, throat packs, clips etc.)

1a) Please break down this information by year (as outlined above).

1b) If possible, please break down this information by retained object (including but not limited to the examples listed above).

2. How many claims have been made against the NHS in relation to retained foreign objects post-procedure during the past three years? (2022/23, 2023/24, 2024/25)

2a) Please break down this information by year (as outlined above) for each NHS Hospital Trust

3. What is the total sum paid out in claims made against the NHS in relation to retained foreign objects post-procedure in the past three years? (2022/23, 2023/24, 2024/25)

3a) Please break down this information by year (as outlined above) for each NHS Hospital Trust.

3b) If possible, please provide the highest fee paid out by each NHS Hospital Trust in relation to claims for retained foreign objects post-procedure during each of the years outlined above.

4. How many of the claims made against the NHS in relation to retained foreign objects post-procedure in the past three years (2022/23, 2023/24, 2024/25):

- were settled with damages paid*
- were found to be without merit*
- remain open?*

[We replied with]

Thank you for your email.

We could only provide you information about claims for all trusts. We get notified about some but not all incidents. This information would be held by trusts.

Would you like us to proceed with the response covering claims only?

[You responded on 01 April 2026 with]

Thanks for this. Yes, please proceed with the query relating to claims only.

As per your suggestion, I will contact the Hospital Trusts to ask them if they can provide data for the below questions only:

1. How many incidents of a retained foreign object post-procedure were logged by each NHS Hospital Trust in the past three years? (2022/23, 2023/24, 2024/25)

1a) Please break down this information by year (as outlined above).

1b) If possible, please break down this information by retained object (including but not limited to the examples listed above).

Our Response

Please find attached the requested information we are able to provide. This information only covers England and 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. We strongly recommend exercising caution when trying to compare previous similar requests to establish any trend patterns, such as increase or decreases in volumes and values. For further information, please refer to <https://resolution.nhs.uk/resources/understanding-nhs-resolution-data>.

For this request we have used our Supplementary Annual Statistics (SAS) dataset to ensure the averages represent 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.

We have provided data on CNST cases only. For further information about our CNST scheme please visit our website [Clinical Negligence Scheme for Trusts - NHS Resolution](#).

Please note: Cover under the Clinical Negligence Scheme for Trusts (CNST) has also been available to independent sector providers (ISPs) of NHS care since 1st April 2013, but data relating to these ISPs has not been included in our response, as the request was for a breakdown by Trust.

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. Not all claims received will result in an award of compensation.

The data, when compared with other previous responses, may show a variation in numbers of cases 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, any fluctuations cannot be interpreted as trends.

Please find attached the following tables -

Table 1 shows: - Number of CNST Claims and Incidents received between financial years '2022/23' and '2024/25' where the Primary Cause is '**Retained Instrument Post-Operation**' or '**Foreign Body Left In Situ**'. Broken down by **Member**.

Table 2 shows: - Number of CNST Claims and Incidents received between financial years '2022/23' and '2024/25' where the Primary Cause is '**Retained Instrument Post-Operation**' or '**Foreign Body Left In Situ**' that are currently Open.

Table 3 shows: - Number and Cost of CNST Claims Closed between financial years '2022/23' and '2024/25' with a damages payment, where the Primary Cause is '**Retained Instrument Post-Operation**' or '**Foreign Body Left In Situ**'. Broken down by **Member**. The data includes the damages and legal costs paid up until the end of 31st March 2025.

Table 4 shows: - Number and Cost of CNST Claims Closed between financial years '2022/23' and '2024/25' with **NIL** damages paid where the Primary Cause is '**Retained Instrument Post-Operation**' or '**Foreign Body Left In Situ**'. Broken down by **Member**.

Please note: the tables broken down by Trust 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.

In relation to **question 2b** on the highest fee paid out by each trust, we do not provide information on the highest fee paid per Trust, as this would relate to individual claims. NHS Resolution only discloses aggregated claims data on data protection grounds, please refer to the low numbers refusal notice below.

Low Numbers and trust highest fee refusal notice

Please note we have suppressed low figures and withheld information on the highest fee paid out by each trust 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 Freedom of Information Act 2000, 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 [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 CNST Claims and Incidents received between financial years '2022/23' and '2024/25' where the Primary Cause is 'Retained Instrument Post-Operation' or 'Foreign Body Left In Situ'. Broken down by Member.

Table 2: Number of CNST Claims and Incidents received between financial years '2022/23' and '2024/25' where the Primary Cause is 'Retained Instrument Post-Operation' or 'Foreign Body Left In Situ' that are currently Open.

Table 3: Number and Cost of CNST Claims Closed between financial years '2022/23' and '2024/25' with a damages payment, where the Primary Cause is 'Retained Instrument Post-Operation' or 'Foreign Body Left In Situ'. Broken down by Member. The data includes the damages and legal costs paid up until the end of 31st March 2025.

Table 4: Number and Cost of CNST Claims Closed between financial years '2022/23' and '2024/25' with NIL damages paid where the Primary Cause is 'Retained Instrument Post-Operation' or 'Foreign Body Left In Situ'. Broken down by Member.

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 1: Number of CNST Claims and Incidents received between financial years '2022/23' and '2024/25' where the Primary Cause is 'Retained Instrument Post-Operation' or 'Foreign Body Left In Situ'. Broken down by Member.

Notified Scheme	Y CNST
Member	No. of Claims
Trusts with less than 5 Claims	190
Sheffield Teaching Hospitals NHS Foundation Trust	11
Royal Free London NHS Foundation Trust	11
Mid and South Essex NHS Foundation Trust	10
University Hospitals of Leicester NHS Trust	9
The Leeds Teaching Hospitals NHS Trust	7
University Hospitals Sussex NHS Foundation Trust	7
Nottingham University Hospitals NHS Trust	7
Norfolk & Norwich University Hospitals NHS Foundation Trust	7
University Hospitals of Derby and Burton NHS Foundation Trust	6
South Tees Hospitals NHS Foundation Trust	6
Bradford Teaching Hospitals NHS Foundation Trust	6
Mid Yorkshire Teaching NHS Trust	6
University College London Hospitals NHS Foundation Trust	6
Northern Care Alliance NHS Foundation Trust	6
University Hospitals Plymouth NHS Trust	6
Hull University Teaching Hospitals NHS Trust	6
Imperial College Healthcare NHS Trust	6
Wrightington, Wigan and Leigh NHS Foundation Trust	5
Liverpool University Hospitals NHS Foundation Trust	5
North Cumbria Integrated Care NHS Foundation Trust	5
Mersey and West Lancashire Hospitals NHS Trust	5
County Durham and Darlington NHS Foundation Trust	5
Barts Health NHS Trust	5
University Hospitals Birmingham NHS Foundation Trust	5
Royal Wolverhampton NHS Trust (The)	5
Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust	5
Chelsea & Westminster Hospital NHS Foundation Trust	5
Bolton NHS Foundation Trust	5
King's College Hospital NHS Foundation Trust	5
Royal Berkshire NHS Foundation Trust	5
Newcastle Upon Tyne Hospitals NHS Foundation Trust (The)	5
Grand Total	383

Table 2: Number of CNST Claims and Incidents received between financial years '2022/23' and '2024/25' where the Primary Cause is 'Retained Instrument Post-Operation' or 'Foreign Body Left In Situ' that are currently Open.

Notified	Y
Scheme	CNST
CurrentStatusFlag	(Multiple Items)

No. of Claims
185

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 3: Number and Cost of CNST Claims Closed between financial years '2022/23' and '2024/25' with a damages payment, where the Primary Cause is 'Retained Instrument Post-Operation' or 'Foreign Body Left In Situ'. Broken down by Member. The data includes the damages and legal costs paid up until the end of 31st March 2025.

Closed/Settled	Y
Scheme	CNST
ClaimOutcome	Damages Paid

Member	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Trusts with less than 5 Claims	194	6,970,189	1,061,090	5,313,746	13,345,025
Guy's and St Thomas' NHS Foundation Trust	7	418,137	123,831	395,500	937,468
Mid and South Essex NHS Foundation Trust	7	62,000	13,618	164,400	240,018
Norfolk & Norwich University Hospitals NHS Foundation Trust	6	53,250	10,954	36,250	100,454
University Hospitals Birmingham NHS Foundation Trust	6	101,865	14,124	135,250	251,239
Sheffield Teaching Hospitals NHS Foundation Trust	6	64,333	13,008	118,250	195,591
Barts Health NHS Trust	6	131,000	16,051	330,017	477,068
Manchester University NHS Foundation Trust	6	38,450	13,302	84,914	136,666
Northern Care Alliance NHS Foundation Trust	5	43,000	6,029	56,625	105,654
London North West University Healthcare NHS Trust	5	89,500	7,027	85,010	181,537
Nottingham University Hospitals NHS Trust	5	40,500	5,888	82,250	128,638
County Durham and Darlington NHS Foundation Trust	5	83,764	21,331	167,750	272,845
St George's University Hospitals NHS Foundation Trust	5	213,600	26,190	291,100	530,890
Liverpool University Hospitals NHS Foundation Trust	5	232,310	98,807	309,629	640,747
Bradford Teaching Hospitals NHS Foundation Trust	5	52,924	13,962	110,563	177,449
Grand Total	273	8,594,822	1,445,210	7,681,255	17,721,287

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 4: Number and Cost of CNST Claims Closed between financial years '2022/23' and '2024/25' with NIL damages paid where the Primary Cause is 'Retained Instrument Post-Operation' or 'Foreign Body Left In Situ'. Broken down by Member.

Closed/Settled	Y
Scheme	CNST
ClaimOutcome	Nil Damages

Member	No. of Claims	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Trusts with less than 5 Claims	84	171,602	0	171,602
University Hospitals of Leicester NHS Trust	5	5,143	0	5,143
Grand Total	89	176,744	0	176,744