



Resolution

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June 2026
FOI_7861

The following information was requested and clarified on the 28 April 2026:

[On the 28 April, you requested]

I am writing to request information under the Freedom of Information Act 2000.

Please could you provide information regarding clinical negligence claims relating to elective hand and wrist surgery within NHS Trusts in England.

Where "hand surgery" is not recorded as a standalone specialty, I would be grateful if this request could include claims recorded under Plastic Surgery and Trauma & Orthopaedics, where available descriptors (e.g. primary injury, cause, or other coding fields) indicate involvement of the hand or wrist.

A. Overall dataset (elective hand/wrist claims)

1) Number of claims by year

Number of claims notified, broken down by financial year

Please provide for all available financial years (e.g. 2006/07–present)

2) Number of claims by primary cause and year

Number of claims broken down by:

Primary cause

Financial year

3) Number of claims by primary injury and year

Number of claims broken down by:

Primary injury

Financial year

4) Cost of claims by year (closed claims with damages)

Number and cost of claims, broken down by financial year

Please include:

Number of claims

Damages paid

NHS legal costs paid

Claimant legal costs paid

Total paid

5) Cost of claims by primary cause

Number and cost of claims (as above), broken down by:

Primary cause

Financial year

6) Cost of claims by primary injury

Number and cost of claims (as above), broken down by:

Primary injury

Financial year

7) Claims closed with nil damages

Number and cost of claims closed with nil damages, broken down by:

Financial year

Primary cause

Primary injury (if available)

B. Procedure-level dataset (key elective hand procedures)

If procedure-level or descriptor-based filtering is available, I would be grateful if you could:

8) Identify procedures

Identify the five most commonly represented elective hand surgery procedures by number of claims within the dataset

9) Procedure-level breakdowns

For each of these five procedures, please provide:

a) Claim volume

Number of claims notified, by financial year

b) Primary cause

Number of claims by primary cause and financial year

c) Primary injury

Number of claims by primary injury and financial year

d) Costs (closed claims with damages)

Number and cost of claims, by financial year, including:

Damages paid

NHS legal costs paid

Claimant legal costs paid

Total paid

e) Costs by cause

Number and cost of claims, by primary cause and financial year

f) Costs by injury

Number and cost of claims, by primary injury and financial year

g) Nil-damages claims (if available)

Number and cost of claims closed with nil damages

C. Clarifications

Please provide data for all available financial years (e.g. 2006/07 to most recent available year)

I understand that:

Cells with fewer than 5 may be suppressed

Claims may appear across multiple years if reopened

Notification and closure years may differ

D. Cost limit / refinement

If this request exceeds the appropriate cost limit, I would be grateful if you could prioritise:

The overall dataset (Section A)

Followed by the identification and breakdown of the top five procedures (Section B)

[On the 28 April, we responded 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).

You can also refer to previous similar response: [FOI 5045 Hand-and-wrist-surgery.pdf](#)

Please provide us with the time period you would like the data to cover? We can provide you with data from 2006/07 up to 2024/25.

We do not have a code for hand and wrist surgery so we could only provide data about claims for Orthopedic surgery and Plastic Surgery broken down by causes and injuries.

We won't be able to provide information in Part B of your request, as we do not log the type of procedures.

Please, could you kindly confirm the above? We look forward to hearing from you.

[On the 28 April, you replied with]

Thank you for your email! And for clarifying the available data fields. I confirm that I would like the data to cover the full available period from 2006/07 to 2024/25.

*I understand that "hand and wrist surgery" is not coded as a standalone specialty and that procedure-level data are not recorded. I am happy to proceed using data for **Plastic Surgery and Orthopaedic Surgery**, broken down by primary cause and primary injury. Please could you therefore provide the data as outlined in Part A of my original request for both specialties. I essentially need as much info pertaining to hand + wrist surgery as possible (ideally).*

[On the 21 May, we sought further clarification with]

We wanted to update you regarding your request. We have run a breakdown of your request by financial years. However, our initial search indicates that the breakdown by financial years will result in several low numbers, which would require redaction of most of the information on data protection grounds.

If we aggregate the request over the period 2006/07 to 2024/25, we might be able to get a more meaningful data.

Would you be happy for us to proceed on this basis?

[On the 21 May, you replied with]

That sounds good! Yes please - anything that constitutes that maximum amount of data possible relating to this topic of hands.

Our Response

Please find attached the information we are able to provide. Please note we only hold information for England and not for the rest of the UK.

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 readily 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](#). Unfortunately, as we do not have a code for “*elective hand and wrist surgery*,” To do so would involve a manual review of all cases to identify which ones relate to claims as you have further requested. This exercise would be very time consuming.

Therefore, we estimate that the cost of complying with this request in its entirety would exceed the ‘appropriate limit’ as set out in the [ICO’s guidance](#). 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.

As previously advised in our clarification to you on what we can provide. Please find below claims information relating generally to the specialties Orthopaedic Surgery and Plastic Surgery only.

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 [Understanding NHS Resolution data - NHS Resolution](#).

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 shows variation in numbers of claims 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.

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 provided covers our Clinical Negligence Scheme for Trusts (CNST). For further information about the CNST, please visit our website here: [Clinical Negligence Scheme for Trusts - NHS Resolution](#). Please note: cover under the 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 in relation to NHS Trusts.

Table 1 shows: - Number of CNST Claims and Incidents received between financial years '2006/07' and '2024/25' for Trusts, where the Specialty is **Orthopaedic Surgery or Plastic Surgery**. Broken down by **Year**.

Table 2 shows: - Number of CNST Claims and Incidents received between financial years '2006/07' and '2024/25' for Trusts, where the Specialty is **Orthopaedic Surgery or Plastic Surgery**. Broken down by **Primary Cause**.

Table 3 shows: - Number of CNST Claims and Incidents received between financial years '2006/07' and '2024/25' for Trusts, where the Specialty is **Orthopaedic Surgery or Plastic Surgery**. Broken down by **Primary Injury**.

Table 4 shows: - Number and cost of CNST Claims Closed (or settled with a periodical payment order) between financial years '2006/07' and '2024/25' for Trusts, with a damages payment, where the Specialty is **Orthopaedic Surgery or Plastic Surgery**. Broken down by **Year**. 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 5 shows: - Number and cost of CNST Claims Closed (or settled with a periodical payment order) between financial years '2006/07' and '2024/25' for Trusts, with a damages payment, where the Specialty is **Orthopaedic Surgery or Plastic Surgery**. Broken down by **Primary Cause**. 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 6 shows: - Number and cost of CNST Claims Closed (or settled with a periodical payment order) between financial years '2006/07' and '2024/25' for Trusts, with a damages payment, where the Specialty is **Orthopaedic Surgery or Plastic Surgery**. Broken down by **Primary Injury**. 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 7 shows: - Number and cost of CNST Claims Closed between financial years '2006/07' and '2024/25' with **Nil** Damages for Trusts, where the Specialty is **Orthopaedic Surgery or Plastic Surgery**. Broken down by **Year**. The data includes the legal costs paid up until the end of each relevant financial year of closure.

Table 8 shows: - Number and cost of CNST Claims Closed between financial years '2006/07' and '2024/25' with **Nil** Damages for Trusts, where the Specialty is **Orthopaedic Surgery or Plastic Surgery**. Broken down by **Primary Cause**. The data includes the legal costs paid up until the end of each relevant financial year of closure.

Table 9 shows: - Number and cost of CNST Claims Closed between financial years '2006/07' and '2024/25' with **Nil** Damages for Trusts, where the Specialty is **Orthopaedic Surgery or Plastic Surgery**. Broken down by **Primary Injury**. The data includes the legal costs paid up until the end of each relevant financial year of closure.

PPOs

The information disclosed includes damages 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 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 [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 '2006/07' and '2024/25' for Trusts, where the Specialty is Orthopaedic Surgery or Plastic Surgery. Broken down by Year.

Table 2: Number of CNST Claims and Incidents received between financial years '2006/07' and '2024/25' for Trusts, where the Specialty is Orthopaedic Surgery or Plastic Surgery. Broken down by Primary Cause.

Table 3: Number of CNST Claims and Incidents received between financial years '2006/07' and '2024/25' for Trusts where the Specialty is Orthopaedic Surgery or Plastic Surgery. Broken down by Primary Injury.

Table 4: Number and cost of CNST Claims Closed (or settled with a periodical payment order) between financial years '2006/07' and '2024/25' for Trusts, with a damages payment, where the Specialty is Orthopaedic Surgery or Plastic Surgery. Broken down by Year. 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 5: Number and cost of CNST Claims Closed (or settled with a periodical payment order) between financial years '2006/07' and '2024/25' for Trusts, with a damages payment, where the Primary Specialty is Orthopaedic Surgery or Plastic Surgery. Broken down by Primary Cause. 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.

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Table 6: Number and cost of CNST Claims Closed (or settled with a periodical payment order) between financial years '2006/07' and '2024/25' for Trusts, with a damages payment, where the Specialty is Orthopaedic Surgery or Plastic Surgery. Broken down by Primary Injury. 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 7: Number and cost of CNST Claims Closed between financial years '2006/07' and '2024/25' with Nil Damages for Trusts, where the Specialty is Orthopaedic Surgery or Plastic Surgery. Broken down by Year. The data includes the legal costs paid up until the end of each relevant financial year of closure.

Table 8: Number and cost of CNST Claims Closed between financial years '2006/07' and '2024/25' with Nil Damages for Trusts, where the Specialty is Orthopaedic Surgery or Plastic Surgery. Broken down by Primary Cause. The data includes the legal costs paid up until the end of each relevant financial year of closure.

Table 9: Number and cost of CNST Claims Closed between financial years '2006/07' and '2024/25' with Nil Damages for Trusts, where the Specialty is Orthopaedic Surgery or Plastic Surgery. Broken down by Primary Injury. The data includes the legal costs paid up until the end of each relevant financial year of closure.

Table 1: Number of CNST Claims and Incidents received between financial years '2006/07' and '2024/25' for Trusts, where the Specialty is Orthopaedic Surgery or Plastic Surgery. Broken down by Year.

Notified Scheme	Y CNST
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Year of Notification	No. of Claims
2006/07	868
2007/08	964
2008/09	1,005
2009/10	989
2010/11	1,219
2011/12	1,486
2012/13	1,657
2013/14	1,748
2014/15	1,695
2015/16	1,539
2016/17	1,376
2017/18	1,267
2018/19	1,223
2019/20	1,316
2020/21	1,151
2021/22	1,100
2022/23	1,028
2023/24	1,106
2024/25	1,299
Grand Total	24,036

Table 2: Number of CNST Claims and Incidents received between financial years '2006/07' and '2024/25' for Trusts, where the Specialty is Orthopaedic Surgery or Plastic Surgery. Broken down by Primary Cause.

Notified Scheme	Y CNST
Primary Cause	No. of Claims
Causes with less than 5 Claims (11 causes)	21
Fail / Delay Treatment	5,528
Failure/Delay Diagnosis	3,201
Intra-Op Problems	2,800
Inappropriate Treatment	2,197
Operator Error	1,361
Fail To Warn-Informed Consent	1,117
Inadequate Nursing Care	878
Fail To Recog. Complication Of	867
Delay In Performing Operation	519
Failure To Interpret X-Ray	513
Fail To Follow-Up Arrangements	385
Failure To X-Ray	336
Failure To Perform Operation	316
Foreign Body Left In Situ	313
Medication Errors	253
Perform. Of Op. Not Indicated	243
Failure To Perform Tests	238
Lack Of Assistance/Care	227
Bacterial Infection	222
Fail To Supervise	214
Other	214
Equipment Malfunction	150
Inappropriate Discharge	145
Poor Application Of Plstr Cast	125
Wrong Diagnosis	120
Lack Of Pre-Op Evaluation	118
Inadequate Monitoring Intra-Op	118
Wrong Site Surgery	118
Diathermy Burns/react. To Prep	112
Fail To Act On Abnorm Test Res	109
Err With Agnt/Dose/Route/Selec	104
Fail To Carry Out PO Observs.	92
Assault, Etc By Hospital Staff	81
Failed Infection Control Policy/Hospital Hygiene	70
Fail/Delay Referring To Hosp.	68
Lack Of Facilities/Equipment	59
Cross Infection	53
Not Specified	44
Application Of Excess Force	41
Inapprop. Case Selection	38
Unknown	33
Op. On Wrong Patient/Body Part	31
Retained Instrument Post-Operation	31

Table 2: Number of CNST Claims and Incidents received between financial years '2006/07' and '2024/25' for Trusts, where the Specialty is Orthopaedic Surgery or Plastic Surgery. Broken down by Primary Cause.

Notified Scheme	Y CNST
Primary Cause	No. of Claims
Fail/Delay Admitting To Hosp.	27
Incorrect Injection Site	25
Fail To Infrm Test Rslts	23
Unexpected Death	22
Surg Foreign Body Left In Situ	21
Premature Ceasure Of Treatment	16
Improp. Delegation To Junior	13
Inadqte Monitor In Recov Room	11
Re-Canalisation	11
Infusion Problems	9
Injured By Another Patient	9
Fail To Interpret USS	7
Intubation Problems	7
Probs With Medical Records	6
Fail/Delay Avail Op Thtre	6
Grand Total	24,036

Table 3: Number of CNST Claims and Incidents received between financial years '2006/07' and '2024/25' for Trusts where the Specialty is Orthopaedic Surgery or Plastic Surgery. Broken down by Primary Injury.

Notified Scheme	Y CNST
Primary Injury	No. of Claims
Injuries with less than 5 Claims (27 Injuries)	55
Unnecessary Pain	4,689
Adtnl/unnecessary Operation(s)	4,510
Poor Outcome - Fractures Etc.	2,906
Fracture	1,729
Nerve Damage	1,437
Joint Damage	1,298
Fatality	667
Pressure Sores	613
Amputation - Lower	548
Scarring	403
Tendon Damage	369
Limb Deformity	368
Thrombosis/Embolism	367
Spinal Damage	348
Other Infection	339
Other	287
Foot Drop	254
Burn(s)	223
Psychiatric/Psychological Dmge	222
Dislocation	201
Amputation - Upper	190
Infection (bacterial)	157
Tissue Damage	142
Compartment Syndrome	134
Cosmetic Disfigurement	133
Hospital Acquired Infection	131
Cancer	82
Bowel Damage/ Dysfunction	74
Bladder Damage	70
Not Specified	69
Paraplegia	69
Partial Paralysis	68
Advanced Stage Cancer	64
Cardiac Arrest	55
Unknown	52
Rupture	51
Multiple Injuries	51
Infectious Diseases	49
Bruising/ Extravasation	47
Arterial Damage	47
Stroke	40
Respiratory Disorder/ Failure	37
Incontinence	37

Table 3: Number of CNST Claims and Incidents received between financial years '2006/07' and '2024/25' for Trusts where the Specialty is Orthopaedic Surgery or Plastic Surgery. Broken down by Primary Injury.

Notified Scheme	Y CNST
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Primary Injury	No. of Claims
Brain Damage	34
Renal Damage/ Failure	34
Sepsis	31
Anaphylact Shock/Allergic Shock/allergy	28
Multiple Disabilities	26
Tetraplegia/ Quadriplegia	20
Loss Of/Damage To Breast	17
Dental Damage	17
Anaesthetic	14
Malignant Tumour	12
Osteoporosis	12
Cardiovascular Condition	12
Blindness	12
Perforation	12
Other Visual Problems	8
Aneurysm	8
Scalp Damage	7
Loss Of Sexual Function	7
Benign Tumour	7
Decompression Illness	7
Addiction/Dependency	6
Fistula	6
Reduced Life Expectancy	6
Oedema	6
Partial Hearing Loss	5
Grand Total	24,036

Table 4: Number and cost of CNST Claims Closed (or settled with a periodical payment order) between financial years '2006/07' and '2024/25' for Trusts, with a damages payment, where the Specialty is Orthopaedic Surgery or Plastic Surgery. Broken down by Year. 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
Scheme	CNST

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2006/07	530	28,491,436	5,182,920	11,348,025	45,022,381
2007/08	519	29,002,061	4,882,253	12,579,118	46,463,432
2008/09	481	29,376,112	5,255,940	14,705,697	49,337,749
2009/10	601	45,994,654	6,384,215	20,522,009	72,900,879
2010/11	885	70,338,696	9,222,772	30,953,934	110,515,401
2011/12	896	76,407,864	8,256,442	32,286,871	116,951,177
2012/13	879	64,163,360	7,402,362	33,483,296	105,049,019
2013/14	861	71,330,225	8,951,564	39,406,287	119,688,076
2014/15	910	72,600,548	9,174,144	40,714,512	122,489,204
2015/16	931	74,875,459	10,755,877	50,113,967	135,745,303
2016/17	1,107	86,693,525	13,716,164	61,960,831	162,370,520
2017/18	1,020	93,358,163	13,714,773	59,153,873	166,226,809
2018/19	871	79,788,767	11,493,177	47,590,501	138,872,445
2019/20	990	96,277,656	14,389,760	53,034,340	163,701,755
2020/21	849	90,349,614	12,463,245	45,630,876	148,443,736
2021/22	921	116,620,883	14,638,905	55,631,686	186,891,475
2022/23	774	74,554,396	11,335,181	42,653,974	128,543,551
2023/24	743	90,753,630	10,774,006	45,519,392	147,047,028
2024/25	740	111,382,326	13,329,331	52,562,036	177,273,693
Grand Total	15,508	1,402,359,375	191,323,033	749,851,223	2,343,533,631

Table 5: Number and cost of CNST Claims Closed (or settled with a periodical payment order) between financial years '2006/07' and '2024/25' for Trusts, with a damages payment, where the Primary Speciality is Orthopaedic Surgery or Plastic Surgery. Broken down by Primary Cause. 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
ClinicalNonClinical	Clinical

Primary Cause	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs paid	Total Paid
Causes with less than 5 Claims (12 Causes)	22	1,409,454	118,130	685,801	2,213,384
Fail / Delay Treatment	3,320	298,107,228	41,822,895	165,416,748	505,346,870
Failure/Delay Diagnosis	2,187	231,563,093	29,549,076	114,933,030	376,045,199
Intra-Op Problems	1,988	229,200,478	28,603,456	109,195,762	366,999,696
Inappropriate Treatment	1,354	133,354,111	19,223,749	72,756,172	225,334,033
Operator Error	783	60,598,908	7,749,235	33,822,079	102,170,222
Inadequate Nursing Care	674	28,485,315	3,999,297	20,389,319	52,873,932
Fail To Warn-Informed Consent	668	64,011,138	11,204,411	39,443,714	114,659,264
Fail To Recog. Complication Of	632	84,899,060	11,325,568	41,645,744	137,870,372
Failure To Interpret X-Ray	384	21,228,062	2,946,220	14,039,424	38,213,707
Delay In Performing Operation	310	33,628,579	3,821,710	14,943,490	52,393,779
Failure To X-Ray	245	14,681,251	2,470,944	9,632,772	26,784,967
Fail To Follow-Up Arrangements	211	8,954,951	1,585,339	6,722,106	17,262,396
Foreign Body Left In Situ	209	5,146,825	991,685	4,698,224	10,836,734
Failure To Perform Operation	187	10,905,607	1,859,098	7,642,817	20,407,522
Lack Of Assistance/Care	179	5,895,408	1,163,225	5,069,503	12,128,137
Medication Errors	154	7,137,345	1,191,708	4,855,755	13,184,808
Perform. Of Op. Not Indicated	148	10,148,389	1,820,075	6,993,383	18,961,847
Fail To Supervise	145	9,845,824	1,174,934	4,608,188	15,628,946
Failure To Perform Tests	136	20,021,413	2,096,073	8,061,675	30,179,161
Wrong Site Surgery	118	6,987,205	757,243	2,857,670	10,602,118
Bacterial Infection	116	14,922,744	2,476,881	7,934,928	25,334,553
Diathermy Burns/react. To Prep	102	1,910,547	318,899	1,749,135	3,978,581
Equipment Malfunction	91	7,895,216	826,003	3,649,167	12,370,386
Lack Of Pre-Op Evaluation	91	9,604,988	1,201,254	4,262,438	15,068,681
Poor Application Of Plstr Cast	89	2,134,223	488,024	2,188,262	4,810,509
Wrong Diagnosis	87	8,312,787	1,178,613	4,231,533	13,722,932
Fail To Carry Out PO Observs.	87	9,448,135	1,123,825	3,986,224	14,558,185
Inappropriate Discharge	84	6,287,322	843,331	3,511,307	10,641,959
Err With Agnt/Dose/Route/Selec	83	5,322,597	611,565	2,770,223	8,704,386
Inadequate Monitoring Intra-Op	83	7,113,164	937,399	4,488,295	12,538,858
Other	74	3,540,575	509,802	2,503,690	6,554,067
Fail To Act On Abnorm Test Res	71	7,753,288	915,986	3,407,973	12,077,247
Lack Of Facilities/Equipment	47	925,032	114,233	730,442	1,769,707
Op. On Wrong Patient/Body Part	39	426,948	47,801	278,129	752,879
Failed Infection Control Policy/Hospital Hygiene	32	5,009,605	513,317	1,858,964	7,381,885
Fail/Delay Referring To Hosp.	29	5,059,358	617,777	2,575,870	8,253,004
Cross Infection	27	1,077,483	308,225	956,535	2,342,243
Inapprop. Case Selection	26	6,772,697	633,635	2,377,437	9,783,769
Retained Instrument Post-Operation	24	326,333	47,780	427,607	801,721
Application Of Excess Force	23	1,737,440	288,492	1,079,395	3,105,327
Incorrect Injection Site	17	401,905	87,339	352,633	841,876
Surg Foreign Body Left In Situ	17	307,158	52,424	140,924	500,507
Fail/Delay Admitting To Hosp.	15	2,519,535	248,527	786,302	3,554,365
Premature Ceasure Of Treatment	12	1,115,905	356,174	1,333,305	2,805,384
Fail To Infrm Test RsIts	11	246,404	39,281	263,297	548,982
Not Specified	10	903,047	88,313	683,533	1,674,893
Improp. Delegation To Junior	10	691,326	113,589	584,109	1,389,023
Infusion Problems	9	161,900	38,850	176,720	377,469
Re-Canalisation	9	409,500	42,005	260,058	711,563
Unexpected Death	8	472,956	132,472	512,610	1,118,039
Inadqte Monitor In Recov Room	8	357,484	99,508	370,950	827,942
Unknown	7	132,253	56,590	211,500	400,344
Injured By Another Patient	6	68,276	46,133	157,500	271,910
Fail To Interpret USS	5	2,494,499	303,922	374,750	3,173,171
Fail/Delay Avail Op Thtre	5	287,100	140,992	262,100	690,192
Grand Total	15,508	1,402,359,375	191,323,033	749,851,223	2,343,533,631

Table 6: Number and cost of CNST Claims Closed (or settled with a periodical payment order) between financial years '2006/07' and '2024/25' for Trusts, with a damages payment, where the Specialty is Orthopaedic Surgery or Plastic Surgery. Broken down by Primary Injury. 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 ClaimOutcome Scheme	Y Damages Paid CNST				
Primary Injury	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Injuries with less than 5 Claims (23 Injuries)	49	10,991,068	1,150,793	4,358,989	16,500,850
Adtnl/unnecessary Operation(s)	3,210	203,651,308	32,392,877	135,494,829	371,539,014
Unnecessary Pain	2,738	127,134,067	22,362,317	95,324,867	244,821,251
Poor Outcome - Fractures Etc.	1,966	128,244,098	21,620,392	86,093,499	235,957,989
Fracture	1,143	45,255,376	7,990,241	36,978,157	90,223,774
Nerve Damage	917	132,487,441	18,765,589	68,245,433	219,498,463
Joint Damage	792	81,129,301	11,714,701	40,452,169	133,296,171
Pressure Sores	509	16,565,677	2,631,576	14,956,042	34,153,295
Fatality	420	32,611,075	4,149,833	19,074,816	55,835,724
Amputation - Lower	389	160,526,894	14,023,404	47,399,389	221,949,687
Scarring	289	4,125,745	954,551	5,661,555	10,741,851
Tendon Damage	247	11,564,956	2,030,092	9,510,472	23,105,520
Thrombosis/Embolism	227	11,668,700	2,058,446	8,931,530	22,658,676
Spinal Damage	212	100,818,470	8,713,802	30,895,768	140,428,039
Limb Deformity	209	20,610,305	3,200,418	10,989,439	34,800,162
Burn(s)	207	3,318,091	576,035	3,362,527	7,256,653
Other Infection	205	28,664,743	3,141,768	11,987,316	43,793,827
Foot Drop	163	24,842,378	4,002,940	13,146,880	41,992,198
Dislocation	145	11,607,848	1,334,724	5,959,208	18,901,780
Other	120	3,527,004	865,619	4,218,000	8,610,624
Cosmetic Disfigurement	110	4,103,100	967,186	4,066,494	9,136,781
Amputation - Upper	110	15,704,745	1,694,569	7,007,342	24,406,656
Psychiatric/Psychological Dmge	94	4,156,813	885,872	3,538,986	8,581,671
Compartment Syndrome	84	14,383,475	2,067,556	6,187,231	22,638,262
Tissue Damage	81	4,858,108	782,646	2,874,626	8,515,380
Hospital Acquired Infection	72	9,608,606	1,392,461	4,512,228	15,513,295
Bladder Damage	53	11,494,390	1,520,068	5,528,072	18,542,530
Bowel Damage/ Dysfunction	48	9,378,061	1,327,048	4,384,219	15,089,328
Paraplegia	46	39,293,630	3,639,472	9,788,725	52,721,827
Infection (bacterial)	45	4,864,792	528,911	2,380,117	7,773,820
Partial Paralysis	44	28,525,710	2,650,981	8,938,966	40,115,657
Cancer	43	5,949,161	624,049	2,253,551	8,826,760
Advanced Stage Cancer	40	4,558,281	567,346	2,453,078	7,578,704
Incontinence	35	11,461,672	1,470,220	5,479,539	18,411,430
Rupture	31	810,387	147,155	808,540	1,766,082
Infectious Diseases	30	2,243,760	392,478	1,440,784	4,077,023
Bruising/ Extravasation	27	323,997	55,182	440,806	819,985
Multiple Injuries	26	1,351,681	232,530	1,255,582	2,839,793
Cardiac Arrest	26	1,777,390	310,209	1,213,454	3,301,053
Arterial Damage	24	3,366,881	404,079	1,733,619	5,504,579
Renal Damage/ Failure	22	1,369,354	229,429	931,850	2,530,632
Respiratory Disorder/ Failure	21	877,053	123,235	666,596	1,666,884
Brain Damage	20	17,233,246	1,491,826	4,160,878	22,885,950
Not Specified	20	911,895	154,250	729,530	1,795,675
Tetraplegia/ Quadriplegia	18	19,361,920	1,205,142	4,266,112	24,833,173
Stroke	18	4,424,795	535,388	1,746,530	6,706,713
Anaphylact Shock/Allergic Shock/allergy	17	83,216	25,806	224,260	333,282
Multiple Disabilities	15	5,262,592	551,594	1,777,891	7,592,078
Sepsis	13	574,649	114,619	384,590	1,073,858
Dental Damage	13	87,416	18,821	125,420	231,657
Loss Of/Damage To Breast	12	638,500	186,180	619,225	1,443,904
Unknown	12	434,737	87,917	252,959	775,613
Anaesthetic	10	195,000	29,156	269,650	493,806
Perforation	8	966,381	128,627	464,500	1,559,508
Blindness	8	1,001,224	84,415	329,364	1,415,003
Malignant Tumour	8	273,222	111,274	282,039	666,534
Cardiovascular Condition	8	408,603	113,247	326,000	847,850
Reduced Life Expectancy	7	559,284	40,079	273,500	872,863
Osteoporosis	6	1,169,162	171,939	716,531	2,057,632
Oedema	6	139,621	147,121	342,736	629,479
Loss Of Sexual Function	5	3,438,716	246,415	1,032,500	4,717,631
Scalp Damage	5	14,500	8,697	53,368	76,565
Impotence	5	5,273,105	169,704	441,503	5,884,312
Other Visual Problems	5	102,000	8,017	106,850	216,867
Grand Total	15,508	1,402,359,375	191,323,033	749,851,223	2,343,533,631

Table 7: Number and cost of CNST Claims Closed between financial years '2006/07' and '2024/25' with Nil Damages for Trusts, where the Specialty is Orthopaedic Surgery or Plastic Surgery. Broken down by Year. The data includes the legal costs paid up until the end of each relevant financial year of closure.

ClosedSettled	Y
Scheme	CNST
ClaimOutcome	Nil Damages

Year of Closure	No. of Claims	NHS Legal Costs Paid	Claimant Legal Costs Paid
2006/07	509	1,185,325	10,932
2007/08	464	1,011,352	141,357
2008/09	416	749,344	#
2009/10	417	711,165	5,212
2010/11	438	1,274,564	#
2011/12	479	938,311	#
2012/13	609	1,311,176	47,750
2013/14	682	1,339,956	79,550
2014/15	747	1,804,793	112,450
2015/16	735	2,026,123	107,201
2016/17	696	2,376,651	113,484
2017/18	625	2,114,540	13,870
2018/19	555	2,473,159	42,135
2019/20	499	1,967,297	56,603
2020/21	435	1,819,875	62,200
2021/22	478	2,896,138	135,560
2022/23	419	2,566,787	39,250
2023/24	404	2,372,930	64,020
2024/25	411	1,993,040	81,554
Grand Total	10,018	32,932,525	1,114,127

Table 8: Number and cost of CNST Claims Closed between financial years '2006/07' and '2024/25' with Nil Damages for Trusts, where the Specialty is Orthopaedic Surgery or Plastic Surgery. Broken down by Primary Cause. The data includes the legal costs paid up until the end of each relevant financial year of closure.

ClosedSettled	Y
ClinicalNonClinical	Clinical
ClaimOutcome	Nil Damages

Primary Cause	No. of Claims	NHS Legal Costs Paid	Claimant Legal Costs Paid
Causes with less than 5 Claims (12 causes)	31	119,490	#
Fail / Delay Treatment	2,479	7,123,476	88,821
Failure/Delay Diagnosis	1,295	4,235,558	305,373
Intra-Op Problems	1,239	3,941,168	356,890
Inappropriate Treatment	949	4,064,630	36,579
Fail To Warn-Informed Consent	549	2,092,956	13,836
Fail To Recog. Complication Of	410	1,230,636	72,633
Operator Error	408	1,221,339	32,341
Inadequate Nursing Care	250	611,263	35,710
Delay In Performing Operation	220	998,359	#
Fail To Follow-Up Arrangements	164	394,504	#
Bacterial Infection	155	589,972	#
Failure To Perform Operation	152	387,999	0
Failure To Interpret X-Ray	145	596,237	0
Foreign Body Left In Situ	127	188,304	#
Failure To X-Ray	111	464,462	0
Perform. Of Op. Not Indicated	109	616,333	#
Lack Of Assistance/Care	97	188,512	#
Other	93	267,261	0
Medication Errors	91	197,633	29,266
Failure To Perform Tests	82	504,129	#
Fail To Supervise	79	139,182	0
Equipment Malfunction	71	154,451	0
Inappropriate Discharge	62	278,220	#
Failed Infection Control Policy/Hospital Hygiene	56	285,409	#
Poor Application Of Plstr Cast	53	91,762	#
Wrong Diagnosis	53	148,736	0
Inadequate Monitoring Intra-Op	42	113,781	25,792
Lack Of Pre-Op Evaluation	40	237,905	0
Cross Infection	39	117,768	0
Fail/Delay Referring To Hosp.	37	153,957	0
Fail To Carry Out PO Observs.	35	65,243	0
Err With Agnt/Dose/Route/Selec	35	33,171	0
Fail To Act On Abnorm Test Res	33	255,912	0
Application Of Excess Force	25	53,322	#
Not Specified	22	14,873	0
Retained Instrument Post-Operation	20	28,797	#
Fail/Delay Admitting To Hosp.	19	290,658	100,000
Unexpected Death	16	234,389	0
Diathermy Burns/react. To Prep	16	21,513	5,104
Unknown	14	#	0
Inapprop. Case Selection	14	33,119	0
Surg Foreign Body Left In Situ	13	#	0
Incorrect Injection Site	12	17,807	0
Lack Of Facilities/Equipment	11	35,359	0

Table 8: Number and cost of CNST Claims Closed between financial years '2006/07' and '2024/25' with Nil Damages for Trusts, where the Specialty is Orthopaedic Surgery or Plastic Surgery. Broken down by Primary Cause. The data includes the legal costs paid up until the end of each relevant financial year of closure.

ClosedSettled	Y
ClinicalNonClinical	Clinical
ClaimOutcome	Nil Damages

Primary Cause	No. of Claims	NHS Legal Costs Paid	Claimant Legal Costs Paid
Wrong Site Surgery	8	10,073	0
Intubation Problems	7	26,700	0
Fail To Infrm Test Rslts	7	12,003	0
Assault, Etc By Hospital Staff	7	#	0
Op. On Wrong Patient/Body Part	6	0	0
Re-Canalisation	5	27,484	0
Premature Ceasure Of Treatment	5	7,114	0
Grand Total	10,018	32,932,525	1,114,127

Table 9: Number and cost of CNST Claims Closed between financial years '2006/07' and '2024/25' with Nil Damages for Trusts, where the Specialty is Orthopaedic Surgery or Plastic Surgery. Broken down by Primary Injury. The data includes the legal costs paid up until the end of each relevant financial year of closure.

ClosedSettled	Y
ClinicalNonClinical	Clinical
ClaimOutcome	Nil Damages

Primary Injury	No. of Claims	NHS Legal Costs Paid	Claimant Legal Costs Paid
Injuries with less than 5 Claims (31 Injuries)	65	243,424	#
Unnecessary Pain	2,137	4,552,104	112,118
Adtnl/unnecessary Operation(s)	1,704	5,071,827	99,751
Poor Outcome - Fractures Etc.	1,226	3,240,985	155,458
Fracture	676	1,809,266	40,867
Nerve Damage	672	3,789,859	186,784
Joint Damage	580	2,252,563	273,756
Fatality	303	1,145,771	#
Amputation - Lower	218	1,468,508	61,485
Other Infection	208	662,449	13,351
Scarring	175	291,741	0
Thrombosis/Embolism	163	430,784	15,012
Tendon Damage	141	279,150	#
Limb Deformity	135	491,428	#
Foot Drop	132	849,677	64,000
Other	122	312,887	#
Spinal Damage	118	1,143,388	#
Pressure Sores	109	142,804	10,205
Amputation - Upper	95	330,987	16,875
Hospital Acquired Infection	95	392,049	12,546
Dislocation	86	101,461	#
Psychiatric/Psychological Dmge	72	280,744	#
Tissue Damage	70	126,583	0
Cosmetic Disfigurement	61	172,716	#
Infection (bacterial)	52	101,955	0
Compartment Syndrome	45	419,655	11,500
Not Specified	45	85,658	0
Cancer	38	169,566	0
Burn(s)	31	40,497	6,804
Partial Paralysis	30	506,639	0
Infectious Diseases	29	146,717	0
Bladder Damage	29	91,062	0
Cardiac Arrest	25	213,524	0
Advanced Stage Cancer	25	45,642	0
Paraplegia	25	111,747	0
Bowel Damage/ Dysfunction	25	269,442	0
Stroke	22	175,912	0
Arterial Damage	21	90,350	0
Unknown	18	40,742	0
Bruising/ Extravasation	18	32,444	0
Multiple Injuries	18	35,154	0
Rupture	17	35,042	0
Brain Damage	16	305,486	0
Incontinence	16	49,790	0
Respiratory Disorder/ Failure	15	22,147	0
Renal Damage/ Failure	14	25,242	30,000
Anaphylact Shock/Allergic Shock/allergy	13	11,924	0
Multiple Disabilities	12	117,610	0
Sepsis	10	21,938	0
Dental Damage	9	#	0
Loss Of/Damage To Breast	9	14,522	0
Tetraplegia/ Quadriplegia	7	92,746	0
Blindness	6	#	0
Malignant Tumour	5	45,324	0
Osteoporosis	5	8,769	0
Perforation	5	13,595	0

Table 9: Number and cost of CNST Claims Closed between financial years '2006/07' and '2024/25' with Nil Damages for Trusts, where the Specialty is Orthopaedic Surgery or Plastic Surgery. Broken down by Primary Injury. The data includes the legal costs paid up until the end of each relevant financial year of closure.

ClosedSettled	Y
ClinicalNonClinical	Clinical
ClaimOutcome	Nil Damages

Primary Injury	No. of Claims	NHS Legal Costs Paid	Claimant Legal Costs Paid
Grand Total	10,018	32,932,525	1,114,127