

Thank you for your email of 15 February 2018 which we have considered in accordance with s.1(1) Freedom of Information Act 2000 (FOIA). You have requested the following information:

I am writing to the NHS Litigation Authority for further information, based on the Freedom of Information Act, as I am currently undertaking a study looking at injuries to the median nerve following steroid injections into the carpal tunnel, in treating carpal tunnel syndrome.

I would be grateful if the NHSLA would be able to assist me with the following queries where the information is available or nearest to answering the query:

- 1) The number of cases of successful claims against the NHS for median nerve injury following steroid injections in the primary care (GP) setting from 2007 to 2017 (10 years); broken down year by year.*
- 2) The number of cases of successful claims against the NHS for median nerve injury following steroid injections in the tertiary care setting, performed by the Orthopaedic, Plastic and Hand Surgery specialities from 2007 to 2017 (10 years); broken down year by year.*
- 3) The total amount of remuneration (in GBP) per year, for successful claims against the NHS for median nerve injury following steroid injections in the primary care (GP) setting from 2007 to 2017 (10 years). The highest amount of remuneration (in GBP) for a single case for each year.*
- 4) The total amount of remuneration (in GBP) per year, for successful claims against the NHS for median nerve injury following steroid injections in the tertiary care setting, performed by the Orthopaedic, Plastic and Hand Surgery specialities from 2007 to 2017 (10 years). The highest amount of remuneration (in GBP) for a single case for each year.*

Our Response

It may be helpful to explain that our Claims Management System was designed primarily as a claims management tool that records only a limited amount of information in relation to clinical concerns in an easily extractable way. When claims are notified to NHS Resolution, they are categorised against pre-defined speciality/injury/cause codes. We do not have coding that is specific enough to identify the exact type of cases you are interested in. I should also explain that we do not hold information on claims relating to a primary care setting. However, in the attached document, I have provided a table which shows the number of successful claims closed or settled as a Periodical Payment order (PPO) relating to the primary injury code 'nerve damage' for the specialties 'Plastic surgery' and 'Orthopaedic surgery' by a free text search of the keyword 'carpal tunnel'. This is for the years 2007/8 to 2016/17. I have also shown the associated costs paid out in relation to these claims. For information and definitions of claims data provided by NHS Resolution, please view our published fact sheets available at the following link:

<http://www.nhsla.com/CurrentActivity/Pages/FOIFactSheets.aspx>

We are unable to disclose in full, claims figures of fewer than five, as we believe that disclosure of information at this level of granularity is exempt under Section 40(2) by virtue of section 40(3)(a)(i) of the Act, where disclosure to a member of the public would contravene one or more of the data protection principles. Owing to the low numbers of claims, 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. These claims are denoted with an (*) in the attached document.

On the issue of data quality, please note that the database was designed primarily as a claims management tool rather than for research purposes, that it records only a limited amount of information, and that a claim may be multi-factoral and/or settled on a number of bases. It is our view, therefore, that the figures provided should be treated with caution and that they should not be relied on as a basis for audit or research.

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](#), Head of 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.

NHS Resolution

Freedom of information request FOI_3261

Data correct as of 31 January 2018

Table 1: Number of successful claims closed or settled as a Periodical Payment order (PPO) relating to the injury code 'nerve damage' for the specialties 'Plastic surgery' and 'Orthopaedic surgery' by a free text search of the keyword 'carpal tunnel'. This is for the years 2007/8 to 2016/17. I have also shown the associated costs paid out in relation to these claims.

FOI Specialty	(Multiple Items)
Successful?	Successful
IncidentDescription	(Multiple Items)
Concatenated InjuryL1	(Multiple Items)

Year of closure (settlement year for PPOs)	Number of successful claims	Sum of Damages Paid FOI	Sum of Defence Costs Paid FOI	Sum of Claimant Costs Paid FOI	Sum of Total Paid FOI
2007/08	*	*	*	*	*
2008/09	*	*	*	*	*
2009/10	*	*	*	*	*
2010/11	*	*	*	*	*
2011/12	6	£179,623.75	£22,338.55	£159,100.00	£361,062.30
2012/13	*	*	*	*	*
2013/14	7	£794,342.86	£97,641.51	£453,000.00	£1,344,984.37
2014/15	*	*	*	*	*
2015/16	*	*	*	*	*
2016/17	*	*	*	*	*
Grand Total	35	£2,599,726.12	£380,826.61	£1,511,273.57	£4,491,826.30