



Resolution

2nd Floor
151 Buckingham Palace Road
London
SW1W 9SZ
Telephone: 020 7811 2700

November 2018
FOI_3519

The following information was requested on 26 October 2018:

I was hoping you could provide me with information about complaints made relating to dental damage under anaesthesia or during surgery, specifically the number of claims made during consecutive years from 2014 to the present; and how these complaints were resolved (including payments made and legal costs incurred each year)?

Our Response

Please find attached the information held. The information disclosed relates to clinical negligence claims [rather than complaints] made against members of our indemnity schemes: NHS organisations and independent sector providers of NHS care in England.

Please note we have suppressed low figures as we believe that disclosure of information with 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. The data protection principles are set out in Article 5 of the General Data Protection Regulation.

In some instances the low numbers of claims (fewer than 5) in each injury 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 or special category 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.

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 Corporate and Information 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

TABLE OF CONTENTS

Analysis of claims relating to Dental Damage notified and settled/closed between financial years 2014/15 to 2017/18

[Table 1: Number of Claims received between financial years of 2014/15 to 2017/18 with primary injury of Dental Damage](#)

[Table 2: Number and Cost of Claims Closed/Settled with damages paid between financial years of 2014/15 to 2017/18 with primary injury of Dental Damage. Figures relate to claim notifications received between financial years of 2014/15 to 2017/18](#)

[Table 3: Number of Claims Closed without damages paid between financial years of 2014/15 to 2017/18 with primary injury of Dental Damage. Figures relate to claim notifications received between financial years of 2014/15 to 2017/18](#)

[Table 4: Analysis of Specialties for Claims Closed/Settled with damages paid between financial years of 2014/15 to 2017/18 with primary injury of Dental Damage. Figures relate to claim notifications received between financial years of 2014/15 to 2017/18](#)

[Table 5: Analysis of Primary Causes for Claims Closed/Settled with damages paid between financial years of 2014/15 to 2017/18 with primary injury of Dental Damage. Figures relate to claim notifications received between financial years of 2014/15 to 2017/18](#)

[Table 7: Analysis of Hospitals for Claims Closed/Settled with damages paid between financial years](#)

Freedom of Information Request# 3519

Data correct as at: 2018-09-30

Table 1: Number of Claims received between financial years of 2014/15 to 2017/18 with primary injury of Dental Damage

Notifications	Y
Clinical_NonClinical	Clinical

Notification Year	No. of Claims
2014/15	86
2015/16	103
2016/17	101
2017/18	78
Grand Total	368

Freedom of Information Request# 3519

Data correct as at: 2018-09-30

Table 2: Number and Cost of Claims Closed/Settled with damages paid between financial years of 2014/15 to 2017/18 with primary injury of Dental Damage. Figures relate to claim notifications received between financial years of 2014/15 to 2017/18

Closed_Settled	Y
Clinical_NonClinical	Clinical
Claim_Outcome	Settled with Damages
NHSLA_Notification_Year	(Multiple Items)

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	Defence Costs Paid	Claimant Costs Paid	Total Paid
2014/15	6	£26,676	2,110	£6,350	£35,137
2015/16	26	£107,485	29,308	£174,203	£310,996
2016/17	36	£262,641	64,767	£467,724	£795,131
2017/18	34	£332,489	101,569	£419,201	£853,259
Grand Total	102	£729,291	197,754	£1,067,477	£1,994,523

Freedom of Information Request# 3519

Data correct as at: 2018-09-30

Table 3: Number of Claims Closed without damages paid between financial years of 2014/15 to 2017/18 with primary injury of Dental Damage. Figures relate to claim notifications received between financial years of 2014/15 to 2017/18

Closed_Settled	Y
Clinical_NonClinical	Clinical
Claim_Outcome	Unsuccessful
NHSLA_Notification_Year	(Multiple Items)

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	Defence Costs Paid	Claimant Costs Paid	Total Paid
2014/15	9	£0	£3,100	£0	£3,100
2015/16	46	£0	£41,009	£0	£41,009
2016/17	38	£0	£31,695	£0	£31,695
2017/18	47	£0	£61,094	£0	£61,094
Grand Total	140	£0	£136,898	£0	£136,898

Freedom of Information Request# 3519

Data correct as at: 2018-09-30

Table 4: Analysis of Specialties for Claims Closed/Settled with damages paid between financial years of 2014/15 to 2017/18 with primary injury of Dental Damage. Figures relate to claim notifications received between financial years of 2014/15 to 2017/18

For numbers less than 5 and amount less than £5,000, these entries are replaced by '#'

Closed_Settled	Y
Clinical_NonClinical	Clinical
Claim_Outcome	Settled with Damages
NHSLA_Notification_Year	(Multiple Items)

Year of Closure (Settlement Year for PPOs)					
-- Specialties	No. of Claims	Damages Paid	Defence Costs Paid	Claimant Costs Paid	Total Paid
2014/15					
Otorhinolaryngology/ ENT	#	#	#	#	#
Anaesthesia	#	#	#	#	#
Oral & Maxillo Facial Surgery	#	#	#	#	#
Dentistry	#	#	#	#	#
2015/16					
Dentistry	13	£50,385	£14,269	£115,143	£179,797
Oral & Maxillo Facial Surgery	5	£32,500	£6,589	£36,360	£75,449
Anaesthesia	#	#	#	#	#
General Surgery	#	#	#	#	#
HM Prison Medical/dental	#	#	#	#	#
Gastroenterology	#	#	#	#	#
2016/17					
Dentistry	18	£137,657	£34,574	£272,891	£445,122
Oral & Maxillo Facial Surgery	6	£56,634	£9,651	£77,375	£143,660
Anaesthesia	5	£14,600	£6,599	£18,960	£40,159
Casualty / A & E	#	#	#	#	#
General Surgery	#	#	#	#	#
HM Prison Medical/dental	#	#	#	#	#
Gynaecology	#	#	#	#	#
Neurosurgery	#	#	#	#	#
2017/18					
Dentistry	21	£181,357	£56,191	£242,377	£479,925
Oral & Maxillo Facial Surgery	#	#	#	#	#
Anaesthesia	#	#	#	#	#
HM Prison Medical/dental	#	#	#	#	#
Orthopaedic Surgery	#	#	#	#	#
Gynaecology	#	#	#	#	#
Grand Total	102	£729,291	£197,754	£1,067,477	£1,994,523

Freedom of Information Request# 3519
 Data correct as at: 2018-09-30

Table 5: Analysis of Primary Causes for Claims Closed/Settled with damages paid between financial years of 2014/15 to 2017/18 with primary injury of Dental Damage. Figures relate to claim notifications received between financial years of 2014/15 to 2017/18

For numbers less than 5 and amount less than £5,000, these entries are replaced by '#'

Closed_Settled	Y
Clinical_NonClinical	Clinical
Claim_Outcome	Settled with Damages
NHSLA_Notification_Year	(Multiple Items)

Year of Closure (Settlement Year for PPOs)					
----- Primary Causes	No. of Claims	Damages Paid	Defence Costs Paid	Claimant Costs Paid	Total Paid
2014/15					
Operator Error	#	#	#	#	#
Intra-Op Problems	#	#	#	#	#
Tooth Inj & Patient Posit Prob	#	#	#	#	#
Fail / Delay Treatment	#	#	#	#	#
2015/16					
Wrong Site Surgery	7	£28,750	#	£23,693	£53,483
Tooth Inj & Patient Posit Prob	5	£9,850	#	£15,600	£29,629
Inappropriate Treatment	#	#	#	#	#
Intra-Op Problems	#	#	#	#	#
Fail / Delay Treatment	#	#	#	#	#
Operator Error	#	#	#	#	#
Perform. Of Op. Not Indicated	#	#	#	#	#
Application Of Excess Force	#	#	#	#	#
Other	#	#	#	#	#
2016/17					
Wrong Site Surgery	6	£34,000	£11,800	£99,575	£145,375
Fail / Delay Treatment	5	£31,319	£7,334	£40,597	£79,250
Tooth Inj & Patient Posit Prob	5	£46,938	£8,967	£118,490	£174,395
Inappropriate Treatment	5	£34,250	£10,684	£65,650	£110,584
Operator Error	#	#	#	#	#
Fail To Warn-Informed Consent	#	#	#	#	#
Inadequate Nursing Care	#	#	#	#	#
Failure To X-Ray	#	#	#	#	#
Perform. Of Op. Not Indicated	#	#	#	#	#
Failure/Delay Diagnosis	#	#	#	#	#
Lack Of Pre-Op Evaluation	#	#	#	#	#
Intra-Op Problems	#	#	#	#	#
Medication Errors	#	#	#	#	#
2017/18					
Fail / Delay Treatment	9	£43,850	£26,412	£102,739	£173,001
Inappropriate Treatment	6	£53,420	£24,167	£52,975	£130,562
Operator Error	#	#	#	#	#
Fail To Warn-Informed Consent	#	#	#	#	#
Application Of Excess Force	#	#	#	#	#
Inadequate Nursing Care	#	#	#	#	#
Tooth Inj & Patient Posit Prob	#	#	#	#	#
Wrong Site Surgery	#	#	#	#	#
Err With Agnt/Dose/Route/Selec	#	#	#	#	#
Perform. Of Op. Not Indicated	#	#	#	#	#
Failure/Delay Diagnosis	#	#	#	#	#
Fail To Follow-Up Arrangements	#	#	#	#	#
Intra-Op Problems	#	#	#	#	#
Grand Total	102	£729,291	£197,754	£1,067,477	£1,994,523