



# Resolution

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**Telephone:** 020 7811 2700

March 2019  
FOI\_3645

The following information was requested on 25 February 2019:

*I would be very grateful if you could provide the following information:*

*The claims data (over the last 10yrs) for claims made (both successful and not successful) for NHS work which is undertaken within the private sector.*

*This is not an inconsiderable volume as it is suggested that 40% of NHS work is undertaken in the private sector.*

*In essence what the negligence costs for NHS work done within the private sector, which are settled through the CNST. I.e. the equivalent of the "scorecard" data for NHS work done in the private sector.*

*Also does the private sector contribute to this or is this contribution covered in the tariff charged by the hospital which is paid by the commissioners.*

## **Our Response**

Please find attached information in relation to claims relating to Independent Sector Providers.

Independent providers of NHS healthcare became eligible to join CNST for their NHS work from 1 April 2013. Those becoming members of CNST pay NHS Resolution contributions in the same manner as trusts.

We have suppressed low numbers involved 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. 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.

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 [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

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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.**

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**Table 1: Number of Claims received between financial years 2008/09 to 2017/18 relating to Independent Sector Providers.**

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Notifications	Y
Clinical_NonClinical	(All)

Notification Year	No_of_Claims
2008/09	45
2009/10	29
2010/11	53
2011/12	63
2012/13	63
2013/14	47
2014/15	95
2015/16	119
2016/17	244
2017/18	270
<b>Grand Total</b>	<b>1,028</b>

**Table 2: Number and Cost of Claims Closed/Settled with damages paid between financial years 2008/09 to 2017/18 relating to Independent Sector Providers.**

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)	No_of_Claims	Damages Paid	Defence Costs Paid	Claimant Costs Paid	Total Paid
2008/09	21	318,118	65,274	153,331	536,724
2009/10	38	1,507,394	185,581	745,475	2,438,449
2010/11	33	1,925,353	364,831	1,276,607	3,566,791
2011/12	27	1,305,235	174,575	705,220	2,185,030
2012/13	31	2,721,879	221,933	1,205,698	4,149,510
2013/14	43	2,079,807	236,601	1,222,929	3,539,337
2014/15	30	4,097,377	237,370	1,647,209	5,981,956
2015/16	36	1,081,157	165,726	863,143	2,110,027
2016/17	48	7,989,899	316,788	2,047,389	10,354,077
2017/18	74	3,697,547	529,634	2,400,416	6,627,598
<b>Grand Total</b>	<b>381</b>	<b>26,723,768</b>	<b>2,498,313</b>	<b>12,267,418</b>	<b>41,489,498</b>

**Table 3: Number of Claims Closed without damages paid between financial years 2008/09 to 2017/18 relating to Independent Sector Providers.**

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	NIL Damages

Year of Closure (Settlement Year for PPOs)	No_of_Claims	Damages Paid	Defence Costs Paid	Claimant Costs Paid	Total Paid
2008/09	17	0	29,824	0	29,824
2009/10	12	0	12,884	0	12,884
2010/11	11	0	4,964	0	4,964
2011/12	14	0	950	0	950
2012/13	21	0	11,939	0	11,939
2013/14	21	0	27,232	0	27,232
2014/15	46	0	96,741	0	96,741
2015/16	32	0	53,430	707	54,137
2016/17	39	0	85,082	0	85,082
2017/18	81	0	128,800	0	128,800
<b>Grand Total</b>	<b>294</b>	<b>0</b>	<b>451,847</b>	<b>707</b>	<b>452,554</b>

**Table 4: Analysis of Specialties for Claims Closed/Settled with damages paid between financial years 2008/09 to 2017/18 relating to Independent Sector Providers.**

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs) -- Specialties	No. of Claims	Damages Paid	Defence Costs Paid	Claimant Costs Paid	Total Paid
<b>2008/09</b>	<b>21</b>	<b>318,118</b>	<b>65,274</b>	<b>153,331</b>	<b>536,724</b>
Anaesthesia	#	#	#	#	#
General Surgery	10	129,711	30,095	57,404	217,210
Gynaecology	#	#	#	#	#
Ophthalmology	#	#	#	#	#
Orthopaedic Surgery	5	145,907	16,961	57,208	220,077
Surgical Speciality - Other	#	#	#	#	#
<b>2009/10</b>	<b>38</b>	<b>1,507,394</b>	<b>185,581</b>	<b>745,475</b>	<b>2,438,449</b>
General Medicine	#	#	#	#	#
General Surgery	11	357,028	45,382	206,848	609,257
Gynaecology	#	#	#	#	#
Oncology	#	#	#	#	#
Ophthalmology	#	#	#	#	#
Orthopaedic Surgery	20	1,018,617	111,737	366,457	1,496,811
Radiology	#	#	#	#	#
<b>2010/11</b>	<b>33</b>	<b>1,925,353</b>	<b>364,831</b>	<b>1,276,607</b>	<b>3,566,791</b>
General Surgery	10	458,500	109,699	331,636	899,835
Ophthalmology	#	#	#	#	#
Orthopaedic Surgery	16	1,295,635	171,776	626,222	2,093,632
Surgical Speciality - Other	#	#	#	#	#
Urology	#	#	#	#	#
Vascular Surgery	#	#	#	#	#
<b>2011/12</b>	<b>27</b>	<b>1,305,235</b>	<b>174,575</b>	<b>705,220</b>	<b>2,185,030</b>
General Surgery	#	#	#	#	#
Orthopaedic Surgery	21	1,182,568	148,801	570,220	1,901,589
Physiotherapy	#	#	#	#	#
Urology	#	#	#	#	#
<b>2012/13</b>	<b>31</b>	<b>2,721,879</b>	<b>221,933</b>	<b>1,205,698</b>	<b>4,149,510</b>
General Surgery	7	215,105	41,436	228,140	484,680
Gynaecology	#	#	#	#	#
Ophthalmology	#	#	#	#	#
Orthopaedic Surgery	19	2,405,236	172,450	915,114	3,492,800
Urology	#	#	#	#	#
<b>2013/14</b>	<b>43</b>	<b>2,079,807</b>	<b>236,601</b>	<b>1,222,929</b>	<b>3,539,337</b>
Anaesthesia	#	#	#	#	#
Dermatology	#	#	#	#	#
General Medicine	#	#	#	#	#
General Surgery	6	412,989	35,735	136,571	585,295
Genito-Urinary Medicine	#	#	#	#	#
Gynaecology	#	#	#	#	#
Neurosurgery	#	#	#	#	#
Ophthalmology	#	#	#	#	#
Orthopaedic Surgery	21	895,171	108,003	563,308	1,566,482
Otorhinolaryngology/ ENT	#	#	#	#	#
Pharmacy	#	#	#	#	#
Physiotherapy	#	#	#	#	#
Urology	#	#	#	#	#
<b>2014/15</b>	<b>30</b>	<b>4,097,377</b>	<b>237,370</b>	<b>1,647,209</b>	<b>5,981,956</b>
Anaesthesia	#	#	#	#	#
Community Medicine/ Public Health	#	#	#	#	#
Gastroenterology	#	#	#	#	#

**Table 4: Analysis of Specialties for Claims Closed/Settled with damages paid between financial years 2008/09 to 2017/18 relating to Independent Sector Providers.**

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs) -- Specialties	No. of Claims	Damages Paid	Defence Costs Paid	Claimant Costs Paid	Total Paid
General Surgery	5	2,386,676	79,598	426,050	2,892,325
Gynaecology	#	#	#	#	#
Orthopaedic Surgery	17	1,493,840	151,213	1,130,177	2,775,231
Otorhinolaryngology/ ENT	#	#	#	#	#
Radiology	#	#	#	#	#
<b>2015/16</b>	<b>36</b>	<b>1,081,157</b>	<b>165,726</b>	<b>863,143</b>	<b>2,110,027</b>
Cardio Surgery	#	#	#	#	#
Casualty / A & E	#	#	#	#	#
Dentistry	#	#	#	#	#
Dermatology	#	#	#	#	#
General Practice	#	#	#	#	#
General Surgery	6	152,377	17,940	161,373	331,690
Gynaecology	#	#	#	#	#
Ophthalmology	#	#	#	#	#
Oral & Maxillo Facial Surgery	#	#	#	#	#
Orthopaedic Surgery	14	651,947	124,749	556,747	1,333,443
Otorhinolaryngology/ ENT	#	#	#	#	#
Pharmacy	#	#	#	#	#
Podiatry	#	#	#	#	#
Psychiatry/ Mental Health	#	#	#	#	#
<b>2016/17</b>	<b>48</b>	<b>7,989,899</b>	<b>316,788</b>	<b>2,047,389</b>	<b>10,354,077</b>
Anaesthesia	#	#	#	#	#
Casualty / A & E	#	#	#	#	#
Community Medicine/ Public Health	#	#	#	#	#
Dentistry	#	#	#	#	#
District Nursing	#	#	#	#	#
General Medicine	#	#	#	#	#
General Surgery	8	398,627	67,734	383,250	849,611
Gynaecology	#	#	#	#	#
HM Prison Medical/dental	#	#	#	#	#
Not Specified	#	#	#	#	#
Obstetrics	#	#	#	#	#
Ophthalmology	6	92,487	9,858	88,750	191,095
Oral & Maxillo Facial Surgery	#	#	#	#	#
Orthopaedic Surgery	13	7,198,090	187,550	1,319,663	8,705,302
Otorhinolaryngology/ ENT	#	#	#	#	#
Podiatry	#	#	#	#	#
Psychiatry/ Mental Health	#	#	#	#	#
Radiology	#	#	#	#	#
<b>2017/18</b>	<b>74</b>	<b>3,697,547</b>	<b>529,634</b>	<b>2,400,416</b>	<b>6,627,598</b>
Anaesthesia	#	#	#	#	#
Casualty / A & E	#	#	#	#	#
Community Medicine/ Public Health	#	#	#	#	#
Dentistry	#	#	#	#	#
Dermatology	#	#	#	#	#
District Nursing	#	#	#	#	#
Gastroenterology	#	#	#	#	#
General Medicine	#	#	#	#	#
General Surgery	8	1,486,157	199,603	641,780	2,327,540
Geriatric Medicine	#	#	#	#	#
Gynaecology	8	190,540	29,197	211,597	431,333



**Table 4: Analysis of Specialties for Claims Closed/Settled with damages paid between financial years 2008/09 to 2017/18 relating to Independent Sector Providers.**

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs) -- Specialties	No_of_Claims	Damages Paid	Defence Costs Paid	Claimant Costs Paid	Total Paid
Haematology	#	#	#	#	#
HM Prison Medical/dental	#	#	#	#	#
Occupational Therapy	#	#	#	#	#
Ophthalmology	5	155,217	11,581	125,700	292,498
Orthopaedic Surgery	23	1,280,281	152,381	788,123	2,220,785
Otorhinolaryngology/ ENT	#	#	#	#	#
Physiotherapy	#	#	#	#	#
Plastic Surgery	#	#	#	#	#
Psychiatry/ Mental Health	#	#	#	#	#
Urology	#	#	#	#	#
Speech Therapy	#	#	#	#	#
<b>Grand Total</b>	<b>381</b>	<b>26,723,768</b>	<b>2,498,313</b>	<b>12,267,418</b>	<b>41,489,498</b>

**Table 5: Analysis of Primary Injuries for Claims Closed/Settled with damages paid between financial years 2008/09 to 2017/18 relating to Independent Sector Providers.**

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)	No_of_Claims	Damages Paid	Defence Costs Paid	Claimant Costs Paid	Total Paid
<b>2008/09</b>	<b>21</b>	<b>318,118</b>	<b>65,274</b>	<b>153,331</b>	<b>536,724</b>
Unnecessary Pain	#	#	#	#	#
Dental Damage	#	#	#	#	#
Scarring	#	#	#	#	#
Adtnl/unnecessary Operation(s)	9	167,907	38,848	86,080	292,834
Other Visual Problems	#	#	#	#	#
Other Infection	#	#	#	#	#
Burn(s)	#	#	#	#	#
Tendon Damage	#	#	#	#	#
Dislocation	#	#	#	#	#
Joint Damage	#	#	#	#	#
Limb Deformity	#	#	#	#	#
<b>2009/10</b>	<b>38</b>	<b>1,507,394</b>	<b>185,581</b>	<b>745,475</b>	<b>2,438,449</b>
Bruising/ Extravasation	#	#	#	#	#
Fatality	#	#	#	#	#
Poor Outcome - Fractures Etc.	#	#	#	#	#
Unnecessary Pain	#	#	#	#	#
Scarring	#	#	#	#	#
Adtnl/unnecessary Operation(s)	21	1,013,117	84,900	368,905	1,466,921
Other Visual Problems	#	#	#	#	#
Other Infection	#	#	#	#	#
Tendon Damage	#	#	#	#	#
Dislocation	#	#	#	#	#
Advanced Stage Cancer	#	#	#	#	#
Foot Drop	#	#	#	#	#
<b>2010/11</b>	<b>33</b>	<b>1,925,353</b>	<b>364,831</b>	<b>1,276,607</b>	<b>3,566,791</b>
Fatality	#	#	#	#	#
Poor Outcome - Fractures Etc.	#	#	#	#	#
Psychiatric/Psychological Dmge	#	#	#	#	#
Unnecessary Pain	#	#	#	#	#
Unknown	#	#	#	#	#
Nerve Damage	#	#	#	#	#
Adtnl/unnecessary Operation(s)	7	712,641	108,457	368,182	1,189,280
Other Visual Problems	#	#	#	#	#
Other Infection	#	#	#	#	#
Bowel Damage/ Dysfunction	#	#	#	#	#
Renal Damage/ Failure	#	#	#	#	#
Blindness	#	#	#	#	#
Joint Damage	#	#	#	#	#
Multiple Disabilities	#	#	#	#	#
Removal Of Testicle	#	#	#	#	#
<b>2011/12</b>	<b>27</b>	<b>1,305,235</b>	<b>174,575</b>	<b>705,220</b>	<b>2,185,030</b>
Poor Outcome - Fractures Etc.	#	#	#	#	#
Unnecessary Pain	5	280,966	53,519	174,000	508,484
Scarring	#	#	#	#	#

**Table 5: Analysis of Primary Injuries for Claims Closed/Settled with damages paid between financial years 2008/09 to 2017/18 relating to Independent Sector Providers.**

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)	No_of_Claims	Damages Paid	Defence Costs Paid	Claimant Costs Paid	Total Paid
<b>----- Primary Injury Types</b>					
Adtnl/unnecessary Operation(s)	7	538,750	62,725	253,018	854,493
Bile Duct Damage	#	#	#	#	#
Amputation - Lower	#	#	#	#	#
Bladder Damage	#	#	#	#	#
Joint Damage	6	156,547	18,126	96,054	270,727
Amputation - Upper	#	#	#	#	#
Removal Of Testicle	#	#	#	#	#
Limb Deformity	#	#	#	#	#
<b>2012/13</b>	<b>31</b>	<b>2,721,879</b>	<b>221,933</b>	<b>1,205,698</b>	<b>4,149,510</b>
Fatality	#	#	#	#	#
Poor Outcome - Fractures Etc.	5	221,000	20,696	127,928	369,623
Unnecessary Pain	#	#	#	#	#
Dental Damage	#	#	#	#	#
Scarring	#	#	#	#	#
Adtnl/unnecessary Operation(s)	11	706,780	97,119	593,940	1,397,838
Not Specified	#	#	#	#	#
Amputation - Lower	#	#	#	#	#
Other Visual Problems	#	#	#	#	#
Burn(s)	#	#	#	#	#
Tendon Damage	#	#	#	#	#
Joint Damage	#	#	#	#	#
<b>2013/14</b>	<b>43</b>	<b>2,079,807</b>	<b>236,601</b>	<b>1,222,929</b>	<b>3,539,337</b>
Fatality	#	#	#	#	#
Poor Outcome - Fractures Etc.	#	#	#	#	#
Unnecessary Pain	5	138,381	24,075	111,500	273,956
Nerve Damage	7	538,566	76,971	381,750	997,287
Adtnl/unnecessary Operation(s)	12	308,107	46,495	325,025	679,627
Hospital Acquired Infection	#	#	#	#	#
Pressure Sores	#	#	#	#	#
Deafness	#	#	#	#	#
Cosmetic Disfigurement	#	#	#	#	#
Other Visual Problems	#	#	#	#	#
Bowel Damage/ Dysfunction	#	#	#	#	#
Burn(s)	#	#	#	#	#
Foot Drop	#	#	#	#	#
Joint Damage	#	#	#	#	#
Amputation - Upper	#	#	#	#	#
Peritonitis	#	#	#	#	#
<b>2014/15</b>	<b>30</b>	<b>4,097,377</b>	<b>237,370</b>	<b>1,647,209</b>	<b>5,981,956</b>
Fatality	#	#	#	#	#
Poor Outcome - Fractures Etc.	#	#	#	#	#
Psychiatric/Psychological Dmge	#	#	#	#	#
Unnecessary Pain	5	10,060	2,150	5,472	17,682
Nerve Damage	#	#	#	#	#
Scarring	#	#	#	#	#

**Table 5: Analysis of Primary Injuries for Claims Closed/Settled with damages paid between financial years 2008/09 to 2017/18 relating to Independent Sector Providers.**

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)	No_of_Claims	Damages Paid	Defence Costs Paid	Claimant Costs Paid	Total Paid
<b>----- Primary Injury Types</b>					
Adtnl/unnecessary Operation(s)	11	675,371	71,762	556,127	1,303,259
Fracture	#	#	#	#	#
Amputation - Lower	#	#	#	#	#
Perforation	#	#	#	#	#
Foot Drop	#	#	#	#	#
<b>2015/16</b>	<b>36</b>	<b>1,081,157</b>	<b>165,726</b>	<b>863,143</b>	<b>2,110,027</b>
Fatality	#	#	#	#	#
Poor Outcome - Fractures Etc.	#	#	#	#	#
Psychiatric/Psychological Dmge	#	#	#	#	#
Unnecessary Pain	#	#	#	#	#
Dental Damage	#	#	#	#	#
Nerve Damage	#	#	#	#	#
Scarring	#	#	#	#	#
Adtnl/unnecessary Operation(s)	9	354,750	52,029	223,293	630,071
Hospital Acquired Infection	#	#	#	#	#
Hernia	#	#	#	#	#
Fracture	#	#	#	#	#
Deafness	#	#	#	#	#
Other Visual Problems	#	#	#	#	#
Other Infection	#	#	#	#	#
Bowel Damage/ Dysfunction	#	#	#	#	#
Burn(s)	#	#	#	#	#
Advanced Stage Cancer	#	#	#	#	#
Tissue Damage	#	#	#	#	#
<b>2016/17</b>	<b>48</b>	<b>7,989,899</b>	<b>316,788</b>	<b>2,047,389</b>	<b>10,354,077</b>
Poor Outcome - Fractures Etc.	#	#	#	#	#
Psychiatric/Psychological Dmge	#	#	#	#	#
Unnecessary Pain	10	59,006	23,013	100,100	182,119
Other	#	#	#	#	#
Dental Damage	#	#	#	#	#
Nerve Damage	#	#	#	#	#
Spinal Damage	#	#	#	#	#
Scarring	#	#	#	#	#
Adtnl/unnecessary Operation(s)	10	129,938	21,704	250,968	402,610
Bile Duct Damage	#	#	#	#	#
Fracture	#	#	#	#	#
Pressure Sores	#	#	#	#	#
Amputation - Lower	#	#	#	#	#
Thrombosis/Embolism	#	#	#	#	#
Other Visual Problems	6	92,487	9,858	88,750	191,095
Bladder Damage	#	#	#	#	#
Anaesthetic	#	#	#	#	#
Bowel Damage/ Dysfunction	#	#	#	#	#
Burn(s)	#	#	#	#	#
Foot Drop	#	#	#	#	#

**Table 5: Analysis of Primary Injuries for Claims Closed/Settled with damages paid between financial years 2008/09 to 2017/18 relating to Independent Sector Providers.**

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)	No_of_Claims	Damages Paid	Defence Costs Paid	Claimant Costs Paid	Total Paid
<b>----- Primary Injury Types</b>					
<b>2017/18</b>	<b>74</b>	<b>3,697,547</b>	<b>529,634</b>	<b>2,400,416</b>	<b>6,627,598</b>
Fatality	#	#	#	#	#
Poor Outcome - Fractures Etc.	#	#	#	#	#
Unnecessary Pain	11	164,891	20,999	159,100	344,989
Sexual Abuse	#	#	#	#	#
Wrongful Birth	#	#	#	#	#
Dental Damage	#	#	#	#	#
Nerve Damage	#	#	#	#	#
Scarring	#	#	#	#	#
Adtnl/unnecessary Operation(s)	17	772,751	61,339	413,597	1,247,688
Anaphylact Shock/Allergic Shock/allergy	#	#	#	#	#
Hernia	#	#	#	#	#
Not Specified	#	#	#	#	#
Fracture	#	#	#	#	#
Pressure Sores	#	#	#	#	#
Amputation - Lower	#	#	#	#	#
Thrombosis/Embolism	#	#	#	#	#
Brain Damage	#	#	#	#	#
Other Visual Problems	#	#	#	#	#
Bladder Damage	#	#	#	#	#
Anaesthetic	#	#	#	#	#
Other Infection	#	#	#	#	#
Perforation	#	#	#	#	#
Tissue Damage	#	#	#	#	#
Cancer	#	#	#	#	#
Unwanted Pregnancy	#	#	#	#	#
Rupture	#	#	#	#	#
<b>Grand Total</b>	<b>381</b>	<b>26,723,768</b>	<b>2,498,313</b>	<b>12,267,418</b>	<b>41,489,498</b>

**Table 6: Analysis of Primary Causes for Claims Closed/Settled with damages paid between financial years 2008/09 to 2017/18 relating to Independent Sector Providers.**

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)	No_of_Claims	Damages Paid	Defence Costs Paid	Claimant Costs Paid	Total Paid
<b>----- Primary Causes</b>					
<b>2008/09</b>	<b>21</b>	<b>318,118</b>	<b>65,274</b>	<b>153,331</b>	<b>536,724</b>
Fail / Delay Treatment	#	#	#	#	#
Fail To Warn-Informed Consent	#	#	#	#	#
Inadequate Monitoring Intra-Op	#	#	#	#	#
Inappropriate Treatment	#	#	#	#	#
Intra-Op Problems	8	147,057	20,169	71,359	238,585
Err With Agnt/Dose/Route/Selec	#	#	#	#	#
Inappropriate Discharge	#	#	#	#	#
Wrong Site Surgery	#	#	#	#	#
<b>2009/10</b>	<b>38</b>	<b>1,507,394</b>	<b>185,581</b>	<b>745,475</b>	<b>2,438,449</b>
Fail / Delay Treatment	6	109,778	25,334	131,506	266,618
Fail To Recog. Complication Of	#	#	#	#	#
Fail To Warn-Informed Consent	#	#	#	#	#
Failure To Interpret X-Ray	#	#	#	#	#
Inappropriate Treatment	#	#	#	#	#
Intra-Op Problems	15	720,000	45,731	297,284	1,063,015
Delay In Performing Operation	#	#	#	#	#
Operator Error	#	#	#	#	#
Foreign Body Left In Situ	#	#	#	#	#
Lack Of Pre-Op Evaluation	#	#	#	#	#
Retained Instrument Post-Operation	#	#	#	#	#
Err With Agnt/Dose/Route/Selec	#	#	#	#	#
Diathermy Burns/react. To Prep	#	#	#	#	#
Failure To Perform Tests	#	#	#	#	#
<b>2010/11</b>	<b>33</b>	<b>1,925,353</b>	<b>364,831</b>	<b>1,276,607</b>	<b>3,566,791</b>
Equipment Malfunction	#	#	#	#	#
Fail / Delay Treatment	6	225,189	44,953	169,850	439,992
Fail To Follow-Up Arrangements	#	#	#	#	#
Fail To Recog. Complication Of	#	#	#	#	#
Fail To Warn-Informed Consent	#	#	#	#	#
Failure/Delay Diagnosis	#	#	#	#	#
Inappropriate Treatment	5	575,641	89,299	302,007	966,948
Intra-Op Problems	10	715,000	136,282	427,700	1,278,982
Operator Error	#	#	#	#	#
Err With Agnt/Dose/Route/Selec	#	#	#	#	#
Assault, Etc By Hospital Staff	#	#	#	#	#
<b>2011/12</b>	<b>27</b>	<b>1,305,235</b>	<b>174,575</b>	<b>705,220</b>	<b>2,185,030</b>
Fail / Delay Treatment	7	329,093	40,165	148,850	518,107
Fail To Recog. Complication Of	#	#	#	#	#
Fail To Supervise	#	#	#	#	#
Failure To Interpret X-Ray	#	#	#	#	#
Failure To Perform Operation	#	#	#	#	#
Failure/Delay Diagnosis	#	#	#	#	#
Inappropriate Treatment	#	#	#	#	#
Intra-Op Problems	9	756,188	103,396	357,018	1,216,603
Lack Of Assistance/Care	#	#	#	#	#
Lack Of Pre-Op Evaluation	#	#	#	#	#
<b>2012/13</b>	<b>31</b>	<b>2,721,879</b>	<b>221,933</b>	<b>1,205,698</b>	<b>4,149,510</b>
Fail / Delay Treatment	6	434,841	40,454	209,110	684,405
Fail To Recog. Complication Of	#	#	#	#	#
Fail To Warn-Informed Consent	#	#	#	#	#
Failure To Perform Operation	#	#	#	#	#
Failure/Delay Diagnosis	#	#	#	#	#
Intra-Op Problems	8	1,735,175	93,590	502,992	2,331,757
Lack Of Facilities/Equipment	#	#	#	#	#
Inapprop. Case Selection	#	#	#	#	#

**Table 6: Analysis of Primary Causes for Claims Closed/Settled with damages paid between financial years 2008/09 to 2017/18 relating to Independent Sector Providers.**

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)	No_of_Claims	Damages Paid	Defence Costs Paid	Claimant Costs Paid	Total Paid
----- Primary Causes					
Fail To Act On Abnorm Test Res	#	#	#	#	#
Medication Errors	#	#	#	#	#
Diathermy Burns/react. To Prep	#	#	#	#	#
Intubation Problems	#	#	#	#	#
Wrong Site Surgery	#	#	#	#	#
Incorrect Injection Site	#	#	#	#	#
<b>2013/14</b>	<b>43</b>	<b>2,079,807</b>	<b>236,601</b>	<b>1,222,929</b>	<b>3,539,337</b>
Fail / Delay Treatment	#	#	#	#	#
Fail To Carry Out PO Observs.	#	#	#	#	#
Fail To Warn-Informed Consent	#	#	#	#	#
Failure To Interpret X-Ray	#	#	#	#	#
Inadequate Monitoring Intra-Op	#	#	#	#	#
Inadequate Nursing Care	#	#	#	#	#
Inadqte Monitor In Recov Room	#	#	#	#	#
Inappropriate Treatment	#	#	#	#	#
Intra-Op Problems	16	1,109,116	118,758	613,658	1,841,532
Lack Of Assistance/Care	#	#	#	#	#
Lack Of Facilities/Equipment	#	#	#	#	#
Operator Error	#	#	#	#	#
Err With Agnt/Dose/Route/Selec	#	#	#	#	#
Diathermy Burns/react. To Prep	#	#	#	#	#
Failure To Perform Tests	#	#	#	#	#
Inappropriate Discharge	#	#	#	#	#
Incorrect Injection Site	#	#	#	#	#
<b>2014/15</b>	<b>30</b>	<b>4,097,377</b>	<b>237,370</b>	<b>1,647,209</b>	<b>5,981,956</b>
Fail / Delay Treatment	#	#	#	#	#
Fail To Warn-Informed Consent	#	#	#	#	#
Failure To Interpret X-Ray	#	#	#	#	#
Failure/Delay Diagnosis	#	#	#	#	#
Inadequate Monitoring Intra-Op	#	#	#	#	#
Inadequate Nursing Care	#	#	#	#	#
Inappropriate Treatment	5	2,391,929	74,023	473,178	2,939,130
Intra-Op Problems	12	1,363,826	105,654	829,800	2,299,279
Operator Error	#	#	#	#	#
Fail/Delay Referring To Hosp.	#	#	#	#	#
Inappropriate Discharge	#	#	#	#	#
<b>2015/16</b>	<b>36</b>	<b>1,081,157</b>	<b>165,726</b>	<b>863,143</b>	<b>2,110,027</b>
Equipment Malfunction	#	#	#	#	#
Fail / Delay Treatment	#	#	#	#	#
Fail To Carry Out PO Observs.	#	#	#	#	#
Fail To Warn-Informed Consent	#	#	#	#	#
Failure To Interpret X-Ray	#	#	#	#	#
Failure/Delay Diagnosis	#	#	#	#	#
Inadequate Nursing Care	#	#	#	#	#
Inappropriate Treatment	#	#	#	#	#
Intra-Op Problems	9	310,323	31,402	244,530	586,255
Lack Of Assistance/Care	#	#	#	#	#
Operator Error	#	#	#	#	#
Foreign Body Left In Situ	#	#	#	#	#
Fail To Act On Abnorm Test Res	#	#	#	#	#
Failed Infection Control Policy/Hospital Hygiene	#	#	#	#	#
Medication Errors	#	#	#	#	#
Perform. Of Op. Not Indicated	#	#	#	#	#
Diathermy Burns/react. To Prep	#	#	#	#	#
Inappropriate Discharge	#	#	#	#	#
Failure To X-Ray	#	#	#	#	#

**Table 6: Analysis of Primary Causes for Claims Closed/Settled with damages paid between financial years 2008/09 to 2017/18 relating to Independent Sector Providers.**

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)	No_of_Claims	Damages Paid	Defence Costs Paid	Claimant Costs Paid	Total Paid
----- Primary Causes					
Wrong Site Surgery	#	#	#	#	#
<b>2016/17</b>	<b>48</b>	<b>7,989,899</b>	<b>316,788</b>	<b>2,047,389</b>	<b>10,354,077</b>
Equipment Malfunction	#	#	#	#	#
Fail / Delay Treatment	5	62,372	8,795	45,700	116,867
Fail To Carry Out PO Observs.	#	#	#	#	#
Fail To Follow-Up Arrangements	#	#	#	#	#
Failure To Interpret X-Ray	#	#	#	#	#
Failure/Delay Diagnosis	#	#	#	#	#
Inadequate Nursing Care	#	#	#	#	#
Inappropriate Treatment	#	#	#	#	#
Intra-Op Problems	12	7,252,783	200,605	1,434,213	8,887,600
Lack Of Facilities/Equipment	#	#	#	#	#
Operator Error	5	58,473	13,406	41,100	112,979
Foreign Body Left In Situ	#	#	#	#	#
Failed Sterilisation	#	#	#	#	#
Retained Instrument Post-Operation	#	#	#	#	#
Fail To Act On Abnorm Test Res	#	#	#	#	#
Medication Errors	#	#	#	#	#
Err With Agnt/Dose/Route/Selec	#	#	#	#	#
Unexpected Death	#	#	#	#	#
Failure To X-Ray	#	#	#	#	#
Wrong Site Surgery	#	#	#	#	#
Sexual Abuse	#	#	#	#	#
<b>2017/18</b>	<b>74</b>	<b>3,697,547</b>	<b>529,634</b>	<b>2,400,416</b>	<b>6,627,598</b>
Equipment Malfunction	#	#	#	#	#
Fail / Delay Treatment	8	159,592	29,662	143,649	332,903
Fail To Carry Out PO Observs.	#	#	#	#	#
Fail To Follow-Up Arrangements	#	#	#	#	#
Fail To Recog. Complication Of	#	#	#	#	#
Fail To Warn-Informed Consent	#	#	#	#	#
Failure To Interpret X-Ray	#	#	#	#	#
Failure/Delay Diagnosis	#	#	#	#	#
Inadequate Nursing Care	5	55,580	50,592	160,115	266,287
Inappropriate Treatment	9	123,520	17,561	182,144	323,225
Intra-Op Problems	11	1,391,298	162,826	811,355	2,365,479
Lack Of Assistance/Care	#	#	#	#	#
Delay In Performing Operation	#	#	#	#	#
Operator Error	7	105,806	8,616	85,055	199,478
Failed Sterilisation	#	#	#	#	#
Application Of Excess Force	#	#	#	#	#
Lack Of Pre-Op Evaluation	#	#	#	#	#
Medication Errors	#	#	#	#	#
Perform. Of Op. Not Indicated	#	#	#	#	#
Failure To Perform Tests	#	#	#	#	#
Inappropriate Discharge	#	#	#	#	#
Failure To X-Ray	#	#	#	#	#
Wrong Site Surgery	#	#	#	#	#
Incorrect Injection Site	#	#	#	#	#
Assault, Etc By Hospital Staff	#	#	#	#	#
Inc In Comm By Absc/disch Pat	#	#	#	#	#
<b>Grand Total</b>	<b>381</b>	<b>26,723,768</b>	<b>2,498,313</b>	<b>12,267,418</b>	<b>41,489,498</b>