



# Resolution

2<sup>nd</sup> Floor  
151 Buckingham Palace Road  
London  
SW1W 9SZ  
**Telephone:** 020 7811 2700

September 2019  
FOI\_3989

The following information was requested on 2 September 2019:

*[FOLLOW UP TO FOI\_3961] In relation to my request, would it be possible to limit the scope of the search, in order to bring it within the 'appropriate limit'?*

*Firstly, by limiting the search to a five year period (2014-2018) and for compensation paid on behalf of Brighton and Sussex University Hospitals NHS Trust (BSUH) only, and screening all Incident Description fields for terms 'developmental dysplasia of the hip' or 'DDH'?*

*Secondly, if this still generates too many files or if screening Incident Description fields isn't possible, would it be possible to screen for files with the following codes:*

*Cause Code*

*CNST - Fail / Delay Treatment*

*CNST - Failure/ Delay Diagnosis*

*Injury Code*

*CNST - Dislocation*

*CNST - Limb Deformity*

*Speciality Code*

*CNST - Orthopaedic Surgery*

*CNST - Paediatric Surgery*

*CNST - Paediatrics*

*Finally, if the total number of cases/compensation is too small for exact numbers to be released, would it then be possible to expand the search, within the 'appropriate limits', to the original ten year period?*

## **Our Response**

We are unable to provide the information in respect of your first option as the numbers are too low and the risk of identification is high.

We have interpreted the 2<sup>nd</sup> option as the number of claims (for all Trusts) associated with the *injury codes*: Dislocation; Limb Deformity *caused by*: Fail / Delay Treatment; Failure/ Delay Diagnosis within the *speciality*: Orthopaedic Surgery; Paediatric Surgery; Paediatrics. Please find attached the requested information in respect of option 2.

Please note this will include other injuries not connected with developmental dysplasia of the hip.

Please note we have suppressed low figures and we are unable to provide you with a yearly breakdown 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 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.

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

## TABLE OF CONTENTS

**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 Claims received between financial years 2009/10 and 2018/19 for the Specialties 'Paediatric Surgery', 'Orthopaedic Surgery' and 'Paediatrics' where the Primary Injuries are 'Dislocation' or 'Limb Deformity' and the Primary Causes are 'Fail / Delay Treatment' or 'Failure/Delay Diagnosis'

Table 2: Number and Cost of Claims Closed/Settled with damages paid between financial years 2009/10 and 2018/19 for the Specialties 'Paediatric Surgery', 'Orthopaedic Surgery' and 'Paediatrics' where the Primary Injuries are 'Dislocation' or 'Limb Deformity' and the Primary Causes are 'Fail / Delay Treatment' or 'Failure/Delay Diagnosis'

**Table 1: Number of Claims received between financial years 2009/10 and 2018/19 for the Specialties 'Paediatric Surgery', 'Orthopaedic Surgery' and 'Paediatrics' where the Primary Injuries are 'Dislocation' or 'Limb Deformity' and the Primary Causes are 'Fail / Delay Treatment' or 'Failure/Delay Diagnosis'**

Notifications	Y
Clinical_NonClinical	(All)

Notification Year	
2009/10 - 2018/19	No_of_Claims
<b>Orthopaedic Surgery</b>	
<b>Dislocation</b>	<b>60</b>
Fail / Delay Treatment	27
Failure/Delay Diagnosis	33
<b>Limb Deformity</b>	<b>53</b>
Fail / Delay Treatment	40
Failure/Delay Diagnosis	13
<b>Paediatric Surgery</b>	
<b>Dislocation</b>	<b>#</b>
Fail / Delay Treatment	#
Failure/Delay Diagnosis	#
<b>Limb Deformity</b>	<b>#</b>
Fail / Delay Treatment	#
<b>Paediatrics</b>	
<b>Dislocation</b>	<b>24</b>
Fail / Delay Treatment	7
Failure/Delay Diagnosis	17
<b>Limb Deformity</b>	<b>10</b>
Fail / Delay Treatment	#
Failure/Delay Diagnosis	7
<b>Grand Total</b>	<b>152</b>

**Table 2: Number and Cost of Claims Closed/Settled with damages paid between financial years 2009/10 and 2018/19 for the Specialties 'Paediatric Surgery', 'Orthopaedic Surgery' and 'Paediatrics' where the Primary Injuries are 'Dislocation' or 'Limb Deformity' and the Primary Causes are 'Fail / Delay Treatment' or 'Failure/Delay Diagnosis'**

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs) 2009/10 - 2018/19	No_of_Claims	Damages Paid	Defence Costs Paid	Claimant Costs Paid	Total Paid
<b>Orthopaedic Surgery</b>					
<b>Dislocation</b>					
Fail / Delay Treatment	12	748,545	151,674	718,750	1,618,969
Failure/Delay Diagnosis	29	882,081	214,638	964,116	2,060,836
<b>Limb Deformity</b>					
Fail / Delay Treatment	25	1,855,331	350,109	1,188,489	3,393,928
Failure/Delay Diagnosis	12	1,229,341	148,304	670,108	2,047,754
<b>Paediatrics</b>					
<b>Dislocation</b>					
Fail / Delay Treatment	#	#	#	#	#
Failure/Delay Diagnosis	8	1,707,944	177,549	554,892	2,440,385
<b>Limb Deformity</b>					
Fail / Delay Treatment	#	#	#	#	#
Failure/Delay Diagnosis	#	#	#	#	#