



Resolution

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FOI_4041

The following information was requested on 21 October 2019:

We are seeking information on the numbers of medico legal negligence claims brought against neurosurgical departments in England and Wales- the actual numbers of cases raised, settled pre-litigation, the numbers litigated, the numbers won/lost, and overall costs paid out for such claims. We would also like a breakdown of the nature of the claims: cranial vs spinal related; emergency vs elective related.

Our Response

Please find attached the information we are able to provide.

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 Freedom of Information 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 within specialty Neurosurgery received between financial years 2014/15 and 2018/19

Notifications	Y
Clinical_NonClinical	Clinical

Notification Year	No_of_Claims
2014/15	170
2015/16	167
2016/17	165
2017/18	147
2018/19	185
Grand Total	834

Table 2: Analysis of Primary Injuries for Claims within speciality Neurosurgery received between financial years 2014/15 and 2018/19

Notifications		Y
Clinical_NonClinical		Clinical
Year of Closure (Settlement Year for PPOs)----- Primary Injury Types		No_of_Claims
2014/15		170
Fatality		18
Poor Outcome - Fractures Etc.		#
Psychiatric/Psychological Dmge		#
Unnecessary Pain		20
Other		#
Sexual Abuse		#
Adtnl/unnecessary Operation(s)		16
Spinal Damage		12
Brain Damage		20
Nerve Damage		17
Pressure Sores		#
Tetraplegia/ Quadraplegia		#
Partial Paralysis		7
Foot Drop		#
Paraplegia		7
Multiple Injuries		#
Bowel Damage/ Dysfunction		#
Blindness		#
Other Visual Problems		#
Other Infection		#
Bladder Damage		#
Multiple Disabilities		#
Reduced Life Expectancy		#
Vocal Cord Damage		#
Hospital Acquired Infection		#
Fracture		#
Epilepsy		#
Aneurysm		#
Stroke		#
Infectious Diseases		#
Cardiac Arrest		#
Respiratory Disorder/ Failure		#
Amputation - Lower		#
Tissue Damage		#
Benign Tumour		#
Perforation		#
2015/16		167
Fatality		9
Poor Outcome - Fractures Etc.		#
Psychiatric/Psychological Dmge		6
Unnecessary Pain		30
Other		#
Sexual Abuse		#
Wrongful Birth		#
Adtnl/unnecessary Operation(s)		14
Spinal Damage		11
Brain Damage		19
Nerve Damage		18
Pressure Sores		#
Tetraplegia/ Quadraplegia		#
Partial Paralysis		6
Foot Drop		#
Paraplegia		#
Multiple Injuries		#
Bowel Damage/ Dysfunction		#
Blindness		#
Other Visual Problems		#
Other Infection		#
Bladder Damage		5
Multiple Disabilities		#
Incontinence		#
Renal Damage/ Failure		#
Fracture		#
Aneurysm		#
Stroke		#
Scarring		#
Infectious Diseases		#

Table 2: Analysis of Primary Injuries for Claims within specialty Neurosurgery received between financial years 2014/15 and 2018/19

Notifications		Y
Clinical_NonClinical		Clinical
Year of Closure (Settlement Year for PPOs)----- Primary Injury Types		
Compartment Syndrome		#
Not Specified		#
Dental Damage		#
Joint Damage		#
Cardiovascular Condition		#
Meningitis		#
2016/17		165
Fatality		9
Poor Outcome - Fractures Etc.		#
Unnecessary Pain		23
Other		#
Adtnl/unnecessary Operation(s)		18
Cancer		#
Spinal Damage		15
Brain Damage		15
Nerve Damage		17
Pressure Sores		5
Tetraplegia/ Quadraplegia		#
Partial Paralysis		10
Foot Drop		#
Paraplegia		5
Multiple Injuries		#
Bowel Damage/ Dysfunction		#
Blindness		#
Other Visual Problems		#
Other Infection		#
Multiple Disabilities		#
Reduced Life Expectancy		#
Vocal Cord Damage		#
Incontinence		#
Hospital Acquired Infection		#
Fracture		#
Cosmetic Disfigurement		#
Aneurysm		#
Stroke		#
Scarring		#
Burn(s)		#
Infectious Diseases		#
Cardiac Arrest		#
Respiratory Disorder/ Failure		#
Perforation		#
Not Specified		#
Decompression Illness		#
Deafness		#
2017/18		147
Fatality		14
Psychiatric/Psychological Dmge		#
Unnecessary Pain		18
Other		#
Adtnl/unnecessary Operation(s)		14
Cancer		#
Spinal Damage		17
Brain Damage		14
Nerve Damage		20
Pressure Sores		#
Tetraplegia/ Quadraplegia		#
Partial Paralysis		#
Foot Drop		#
Paraplegia		8
Bowel Damage/ Dysfunction		#
Blindness		#
Other Infection		#
Bladder Damage		#
Incontinence		#
Hospital Acquired Infection		#
Fracture		#
Malignant Tumour		#
Epilepsy		#

Table 2: Analysis of Primary Injuries for Claims within specialty Neurosurgery received between financial years 2014/15 and 2018/19

Notifications		Y
Clinical_NonClinical		Clinical
Year of Closure (Settlement Year for PPOs)----- Primary Injury Types		No_of_Claims
Advanced Stage Cancer		#
Stroke		#
Scarring		#
Infectious Diseases		#
Hemiparesis		#
Respiratory Disorder/ Failure		#
Tissue Damage		#
Benign Tumour		#
Dental Damage		#
Arterial Damage		#
2018/19		185
Bruising/ Extravasation		#
Fatality		15
Psychiatric/Psychological Dmge		#
Unnecessary Pain		20
Other		#
Adtnl/unnecessary Operation(s)		14
Spinal Damage		17
Brain Damage		13
Nerve Damage		22
Pressure Sores		8
Tetraplegia/ Quadraplegia		#
Partial Paralysis		#
Foot Drop		#
Paraplegia		13
Multiple Injuries		#
Bowel Damage/ Dysfunction		6
Blindness		#
Other Visual Problems		#
Other Infection		#
Bladder Damage		#
Scalp Damage		#
Hospital Acquired Infection		#
Fracture		#
Aneurysm		#
Stroke		5
Scarring		#
Burn(s)		#
Cardiac Arrest		#
Respiratory Disorder/ Failure		#
Amputation - Lower		#
Cerebral Palsy		#
Perforation		#
Decompression Illness		#
Meningitis		#
Arterial Damage		#
Thrombosis/Embolism		#
Removal Of Fallopian Tube		#
Grand Total		834

Table 3: Analysis of Primary Injuries for Closed/Settled Claims within specialty Neurosurgery with damages paid between financial years 2014/15 and 2018/19

Clinical_NonClinical	Clinical
Claim_Outcome_FOI	Damages Paid
Closed_Settled	Y

Year of Closure (Settlement Year for PPOs)	No_of_Claims	Damages Paid	NHS Legal Costs	Legal Claimant Costs	Total Paid
----- Primary Injury Types					
2014/15	52	16,022,381	1,500,379	7,257,991	24,780,751
Fatality	7	1,293,000	81,388	362,535	1,736,922
Poor Outcome - Fractures Etc.	#	#	#	#	#
Unnecessary Pain	6	66,500	86,782	252,858	406,141
Other	#	#	#	#	#
Adtn/unnecessary Operation(s)	#	#	#	#	#
Spinal Damage	#	#	#	#	#
Brain Damage	#	#	#	#	#
Nerve Damage	11	3,218,183	285,208	2,191,628	5,695,019
Pressure Sores	#	#	#	#	#
Tetraplegia/ Quadraplegia	#	#	#	#	#
Paraplegia	#	#	#	#	#
Blindness	#	#	#	#	#
Other Infection	#	#	#	#	#
Bladder Damage	#	#	#	#	#
Multiple Disabilities	#	#	#	#	#
Incontinence	#	#	#	#	#
Hospital Acquired Infection	#	#	#	#	#
Fracture	#	#	#	#	#
Tardive Dyskinesia	#	#	#	#	#
Epilepsy	#	#	#	#	#
Burn(s)	#	#	#	#	#
2015/16	69	33,107,078	2,442,328	10,076,316	45,625,723
Fatality	7	1,037,500	91,335	514,897	1,643,731
Poor Outcome - Fractures Etc.	#	#	#	#	#
Psychiatric/Psychological Dmge	#	#	#	#	#
Unnecessary Pain	#	#	#	#	#
Other	#	#	#	#	#
Adtn/unnecessary Operation(s)	#	#	#	#	#
Cancer	#	#	#	#	#
Spinal Damage	5	992,026	126,299	568,311	1,686,636
Fistula	#	#	#	#	#
Brain Damage	8	9,791,665	789,945	2,429,889	13,011,499
Nerve Damage	12	3,289,305	379,179	1,711,762	5,380,246
Pressure Sores	#	#	#	#	#
Tetraplegia/ Quadraplegia	#	#	#	#	#
Foot Drop	#	#	#	#	#
Paraplegia	#	#	#	#	#
Multiple Injuries	#	#	#	#	#
Bowel Damage/ Dysfunction	#	#	#	#	#
Blindness	#	#	#	#	#
Other Visual Problems	#	#	#	#	#
Other Infection	#	#	#	#	#
Multiple Disabilities	#	#	#	#	#
Epilepsy	#	#	#	#	#
Burn(s)	#	#	#	#	#
Infectious Diseases	#	#	#	#	#
2016/17	77	26,114,658	2,098,099	10,393,632	38,606,389
Bruising/ Extravasation	#	#	#	#	#
Fatality	11	565,324	126,959	932,800	1,625,083
Psychiatric/Psychological Dmge	#	#	#	#	#
Unnecessary Pain	8	76,900	28,632	105,574	211,106
Sexual Abuse	#	#	#	#	#
Adtn/unnecessary Operation(s)	6	1,824,816	205,819	420,200	2,450,835
Spinal Damage	8	6,032,126	401,308	2,348,550	8,781,983
Brain Damage	5	8,836,040	150,402	1,895,606	10,882,048
Nerve Damage	6	1,782,716	197,773	810,715	2,791,204
Pressure Sores	#	#	#	#	#
Tetraplegia/ Quadraplegia	#	#	#	#	#
Partial Paralysis	#	#	#	#	#
Foot Drop	#	#	#	#	#
Paraplegia	#	#	#	#	#

Table 3: Analysis of Primary Injuries for Closed/Settled Claims within specialty Neurosurgery with damages paid between financial years 2014/15 and 2018/19

Clinical_NonClinical	Clinical
Claim_Outcome_FOI	Damages Paid
Closed_Settled	Y

Year of Closure (Settlement Year for PPOs)	No_of_Claims	Damages Paid	NHS Legal Costs	Legal Claimant Costs	Total Paid
----- Primary Injury Types					
Multiple Injuries	#	#	#	#	#
Bowel Damage/ Dysfunction	#	#	#	#	#
Blindness	#	#	#	#	#
Other Visual Problems	#	#	#	#	#
Other Infection	#	#	#	#	#
Multiple Disabilities	#	#	#	#	#
Scalp Damage	#	#	#	#	#
Hospital Acquired Infection	#	#	#	#	#
Fracture	#	#	#	#	#
Cosmetic Disfigurement	#	#	#	#	#
Aneurysm	#	#	#	#	#
Cardiac Arrest	#	#	#	#	#
Hemiparesis	#	#	#	#	#
Dental Damage	#	#	#	#	#
2017/18	108	50,461,258	4,119,686	16,938,133	71,519,077
Bruising/ Extravasation	#	#	#	#	#
Fatality	11	2,112,878	287,523	1,037,025	3,437,426
Poor Outcome - Fractures Etc.	#	#	#	#	#
Psychiatric/Psychological Dmge	#	#	#	#	#
Unnecessary Pain	13	218,886	68,256	180,600	467,742
Other	#	#	#	#	#
Sexual Abuse	#	#	#	#	#
Adtnl/unnecessary Operation(s)	10	4,786,132	285,509	948,365	6,020,006
Spinal Damage	6	1,602,050	228,290	959,571	2,789,911
Brain Damage	16	17,694,017	1,040,432	4,336,488	23,070,937
Nerve Damage	14	6,626,676	614,470	2,533,265	9,774,411
Pressure Sores	#	#	#	#	#
Tetraplegia/ Quadraplegia	#	#	#	#	#
Partial Paralysis	7	3,072,125	315,874	1,580,547	4,968,546
Foot Drop	#	#	#	#	#
Paraplegia	#	#	#	#	#
Multiple Injuries	#	#	#	#	#
Bowel Damage/ Dysfunction	#	#	#	#	#
Blindness	#	#	#	#	#
Other Visual Problems	#	#	#	#	#
Other Infection	#	#	#	#	#
Bladder Damage	#	#	#	#	#
Multiple Disabilities	#	#	#	#	#
Renal Damage/ Failure	#	#	#	#	#
Hospital Acquired Infection	#	#	#	#	#
Scarring	#	#	#	#	#
Burn(s)	#	#	#	#	#
2018/19	95	38,692,182	3,597,379	12,716,138	55,005,699
Fatality	6	198,877	75,108	353,641	627,626
Poor Outcome - Fractures Etc.	#	#	#	#	#
Unnecessary Pain	12	304,324	115,299	294,757	714,381
Other	#	#	#	#	#
Wrongful Birth	#	#	#	#	#
Adtnl/unnecessary Operation(s)	10	379,055	61,309	512,423	952,786
Spinal Damage	5	1,047,793	133,698	511,850	1,693,341
Brain Damage	9	13,065,416	739,184	1,639,618	15,444,218
Nerve Damage	12	4,885,309	750,545	2,984,933	8,620,787
Pressure Sores	#	#	#	#	#
Tetraplegia/ Quadraplegia	#	#	#	#	#
Partial Paralysis	#	#	#	#	#
Foot Drop	#	#	#	#	#
Paraplegia	#	#	#	#	#
Bowel Damage/ Dysfunction	#	#	#	#	#
Blindness	#	#	#	#	#
Other Visual Problems	#	#	#	#	#
Other Infection	#	#	#	#	#
Bladder Damage	#	#	#	#	#

Table 3: Analysis of Primary Injuries for Closed/Settled Claims within specialty Neurosurgery with damages paid between financial years 2014/15 and 2018/19

Clinical_NonClinical	Clinical
Claim_Outcome_FOI	Damages Paid
Closed_Settled	Y

Year of Closure (Settlement Year for PPOs)	No_of_Claims	Damages Paid	NHS Legal Costs	Legal Claimant Costs	Total Paid
----- Primary Injury Types					
Multiple Disabilities	#	#	#	#	#
Hospital Acquired Infection	#	#	#	#	#
Fracture	#	#	#	#	#
Malignant Tumour	#	#	#	#	#
Advanced Stage Cancer	#	#	#	#	#
Stroke	#	#	#	#	#
Scarring	#	#	#	#	#
Cardiac Arrest	#	#	#	#	#
Tissue Damage	#	#	#	#	#
Not Specified	#	#	#	#	#
Grand Total	401	164,397,556	13,757,871	57,382,211	235,537,638

Table 4: Number and Cost of Claims within specialty Neurosurgery Closed/Settled with damages paid between financial years 2014/15 and 2018/19

Closed_Settled	Y
Clinical_NonClinical	Clinical
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)	No_of_Claims	Damages Paid
2014/15	52	16,022,381
2015/16	69	33,107,078
2016/17	77	26,114,658
2017/18	108	50,461,258
2018/19	95	38,692,182
Grand Total	401	164,397,556