



Resolution

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June 2020

FOI_4562

The following information was requested on 30 April 2020:

We can provide you details on Orthopaedic Injuries for the last 10 years.

We can provide you with the primary Cause code and the Primary Injury if that helps.

....if I could get this info please. In addition to 'cause code' and 'primary injury', would there be any info on the 'costs incurred' and 'claims closed' within this searchable data? Even if not, I will still be happy to obtain the available information.

May I request this for all the Trusts please?

Our Response

Please find attached the information we are able to provide in respect of orthopaedic surgery claims. Please note this relates to the “department/discipline” where the patient attends etc. The injuries do not simply include traditional orthopaedic injuries i.e. fractures/dislocations but includes things such as advanced stage cancer and brain damage. We do not have a code for orthopaedic injury claims. Therefore, the attached report should not be relied on for research purposes.

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](#)

Further to our obligations to provide advice and assistance, you may find it helpful to review the work of the [Getting It Right First Time team](#) with whom NHS Resolution has been working with to undertake in-depth analysis on claims data (on orthopaedic surgery claims). They have produced a [number of reports](#) from analysing our claims data which has been shared following approval of the confidentiality advisory group on the use of confidential patient information for this purpose.

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

<https://ico.org.uk/>

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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: Analysis of Primary Injuries for Claims Closed/Settled under Orthopaedics surgery speciality with damages paid between financial years 2008/09 - 2018/19

Closed_Settled	Y
Closure_Year_or_PPOs_Settlement_Year	(Multiple Items)
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs) ----- Primary Injury Types	No. of Claims	Total Paid
Fatality	241	33,277,324
Psychiatric/Psychological Dmge	40	3,386,709
Brain Damage	10	11,158,312
Bowel Damage/ Dysfunction	29	7,681,447
Bladder Damage	31	9,771,348
Multiple Disabilities	9	3,473,351
Unnecessary Pain	1,519	126,938,863
Adtnl/unnecessary Operation(s)	1,783	195,929,072
Joint Damage	504	71,704,879
Poor Outcome - Fractures Etc.	1,162	143,715,556
Paraplegia	32	47,587,270
Spinal Damage	99	66,904,507
Nerve Damage	503	115,927,447
Fracture	638	47,953,690
Tendon Damage	132	10,706,687
Tetraplegia/ Quadraplegia	14	25,637,006
Dislocation	84	9,711,346
Amputation - Lower	216	114,787,500
Scarring	112	2,805,558
Limb Deformity	109	16,368,821
Foot Drop	94	17,001,514
Amputation - Upper	49	9,421,787
Hospital Acquired Infection	65	8,582,341
Other Infection	106	13,627,528
Pressure Sores	265	16,404,543
Addiction/Dependency	#	#
Other	62	3,247,970
Advanced Stage Cancer	21	4,558,684
Burn(s)	118	3,516,153
Thrombosis/Embolism	118	10,648,277
Cosmetic Disfigurement	17	2,182,676
Rupture	18	975,811
Anaesthetic	7	407,139
Bruising/ Extravasation	17	356,040
Lung Disease	#	#
Respiratory Disorder/ Failure	12	703,642
Compartment Syndrome	48	12,239,999
Cancer	17	6,224,701
Multiple Injuries	11	1,036,401
Dental Damage	8	97,308
Partial Paralysis	26	18,968,404
Arterial Damage	17	4,232,504
Incontinence	21	10,851,550
Anaphylact Shock/Allergic Shock/allergy	11	237,064
Tissue Damage	40	5,458,110
Decompression Illness	#	#
Impotence	#	#
Renal Damage/ Failure	9	607,620
Loss Of Kidney	#	#
Liver Damage	#	#
Cardiac Arrest	11	840,221
Reduced Life Expectancy	#	#
Blindness	5	1,262,868
Aneurysm	#	#
Infectious Diseases	15	3,054,665
Oedema	#	#
Stroke	6	2,351,905
Scalp Damage	#	#
Osteoporosis	#	#
Not Specified	11	1,278,701
Epilepsy	#	#
Partial Hearing Loss	#	#
Other Visual Problems	#	#
Cardiovascular Condition	6	253,131
Hemiparesis	#	#

Table 1: Analysis of Primary Injuries for Claims Closed/Settled under Orthopaedics surgery speciality with damages paid between financial years 2008/09 - 2018/19

Closed_Settled	Y
Closure_Year_or_PPOs_Settlement_Year	(Multiple Items)
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs) ----- Primary Injury Types	No. of Claims	Total Paid
Loss Of Sexual Function	#	#
Orthopaedic Injuries	#	#
Deafness	#	#
Malignant Tumour	#	#
Unknown	7	630,463
Klumpke's Paralysis	#	#
Perforation	#	#
Benign Tumour	#	#
Grand Total	8,548	1,236,012,790

Table 2: Analysis of Primary Causes for Claims Closed/Settled under Orthopaedics surgery speciality with damages paid between financial years 2008/09 - 2018/19

Closed_Settled	Y
Closure_Year_or_PPOs_Settlement_Year	(Multiple Items)
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs) ----- Primary Causes	No. of Claims	Total Paid
Equipment Malfunction	46	4,788,299
Fail / Delay Treatment	1,804	260,961,929
Fail To Carry Out PO Observs.	55	6,729,138
Fail To Follow-Up Arrangements	95	6,460,554
Fail To Recog. Complication Of	350	80,672,969
Fail To Supervise	84	9,187,850
Fail To Warn-Informed Consent	310	48,127,580
Failure To Interpret X-Ray	189	15,158,163
Failure To Perform Operation	95	9,965,245
Failure/Delay Diagnosis	1,222	204,267,311
Inadequate Monitoring Intra-Op	43	7,766,798
Inadequate Nursing Care	384	28,918,535
Inadqte Monitor In Recov Room	#	#
Inappropriate Treatment	748	107,229,351
Intra-Op Problems	1,222	221,150,960
Lack Of Assistance/Care	103	6,280,919
Lack Of Facilities/Equipment	31	926,009
Other	52	4,689,072
Poor Application Of Plstr Cast	46	2,070,129
Delay In Performing Operation	154	17,646,789
Operator Error	413	50,871,568
Not Specified	7	689,713
Fail/Delay Admitting To Hosp.	5	2,062,759
Infusion Problems	5	123,318
Foreign Body Left In Situ	103	5,620,857
Inapprop. Case Selection	15	7,513,900
Application Of Excess Force	13	804,892
Lack Of Pre-Op Evaluation	52	7,750,263
Retained Instrument Post-Operation	18	385,352
Fail To Act On Abnorm Test Res	33	4,424,673
Wrong Diagnosis	45	6,925,808
Fail/Delay Referring To Hosp.	16	3,177,958
Failed Infection Control Policy/Hospital Hygiene	30	5,770,430
Fail Mon Dose/rate Syntocinon	#	#
Medication Errors	89	9,267,702
Err With Agnt/Dose/Route/Selec	52	5,459,456
Perform. Of Op. Not Indicated	88	15,368,005
Diathermy Burns/react. To Prep	65	2,326,978
Failure To Perform Tests	62	11,185,793
Bacterial Infection	66	18,099,344
Inappropriate Discharge	46	6,907,034
Fail/Delay Avail Op Thtre	#	#
Unexpected Death	#	#
Intubation Problems	#	#
Premature Ceasure Of Treatment	#	#
Fail To Infrm Test Rslts	5	418,061
Failure To X-Ray	142	18,781,566
Wrong Site Surgery	75	3,889,804
Incorrect Injection Site	9	433,459
Cross Infection	17	1,089,195
Improp. Delegation To Junior	6	1,020,521
Probs With Medical Records	#	#
Unknown	#	#
MisplacedNaso/OrogastricTubeNotDet	#	#
Re-Canalisation	6	550,044
Injured By Another Patient	#	#
Assault, Etc By Hospital Staff	#	#

Table 2: Analysis of Primary Causes for Claims Closed/Settled under Orthopaedics surgery speciality with damages paid between financial years 2008/09 - 2018/19

Closed_Settled	Y
Closure_Year_or_PPOs_Settlement_Year	(Multiple Items)
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs) ----- Primary Causes	No. of Claims	Total Paid
Problem Blood Fluids	#	#
Self Harm	#	#
Tooth Inj & Patient Posit Prob	#	#
ECT Treatment	#	#
Grand Total	8,548	1,236,012,790

Table 3: Number and Cost of Claims Closed/Settled under Orthopaedics surgery speciality with damages paid between financial years 2008/09 - 2018/19

Year of Closure (Settlement Year for PPOs)	No of Claims	Total Paid
2008/09	427	45,915,378
2009/10	530	65,236,482
2010/11	791	104,397,766
2011/12	798	106,922,988
2012/13	771	88,332,361
2013/14	748	105,261,278
2014/15	837	122,848,928
2015/16	844	134,386,690
2016/17	1,012	158,274,780
2017/18	950	161,874,297
2018/19	840	142,561,844
Grand Total	8,548	1,236,012,790