



Resolution

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October 2020
FOI_4766

The following information was requested on 14 September 2020:

I would like to request the medical claims data between 2000-2020, regarding Endoscopic retrograde cholangiopancreatography (ERCP) and duodenoscopy procedures within gastroenterology speciality, causes related to failed infection control policy/hospital hygiene, cross-infection or bacterial infection (cause CNST), resulting in hospital-acquired infection (injury CNST).

Our Response

Please note for the reasons stated in our response of 18 August 2020 to **FOI_4699** we are unable to provide you with the details of claims surrounding endoscopic retrograde cholangiopancreatography (ERCP) and duodenoscopy procedures.

Please find attached the information we are able to provide in relation to the gastroenterology speciality.

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. 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

<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.

Table 1: Number of Claims under Gastroenterology specialty received between financial years 2000/01 - 2019/20

Please note: NHSLA can only report on claims relating to the specialty Gastroenterology and we cannot report on the specific procedures asked for.

Table 2: Number and Cost of Claims Closed/Settled under Gastroenterology specialty with damages paid between financial years 2000/01 - 2019/20

Please note: NHSLA can only report on claims relating to the specialty

Table 3: Analysis of Primary Injuries for Claims Closed/Settled under Gastroenterology specialty with damages paid between financial years 2000/01 - 2019/20

Table 4: Analysis of Primary Causes for Claims Closed/Settled under Gastroenterology specialty with damages paid between financial years 2000/01 - 2019/20

Table 1: Number of Claims under Gastroenterology specialty received between financial years 2000/01 - 2019/20

Please note: NHSLA can only report on claims relating to the specialty Gastroenterology and we cannot report on the specific procedures asked for.

Notifications	Y
Clinical_NonClinical	(All)
Scheme	(All)

Notification Year	No. of Claims
2000/01	26
2001/02	58
2002/03	83
2003/04	61
2004/05	65
2005/06	63
2006/07	64
2007/08	63
2008/09	81
2009/10	109
2010/11	159
2011/12	143
2012/13	167
2013/14	238
2014/15	255
2015/16	268
2016/17	254
2017/18	269
2018/19	260
2019/20	298
Grand Total	2,984

Table 2: Number and Cost of Claims Closed/Settled under Gastroenterology specialty with damages paid between financial years 2000/01 - 2019/20

Please note: NHSLA can only report on claims relating to the specialty Gastroenterology and we cannot report on the specific procedures asked for.

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs	Total Paid
2000/01	#	#	#	#	#
2001/02	#	#	#	#	#
2002/03	21	2,365,041	238,207	457,698	3,060,946
2003/04	22	1,255,675	221,077	381,008	1,857,760
2004/05	36	1,683,693	518,256	746,775	2,948,724
2005/06	25	1,927,774	234,390	496,478	2,658,642
2006/07	25	1,440,550	198,433	456,115	2,095,098
2007/08	31	1,507,082	417,696	854,994	2,779,773
2008/09	31	5,019,057	761,875	2,357,031	8,137,963
2009/10	42	3,947,033	478,110	1,329,463	5,754,606
2010/11	67	4,670,633	667,915	2,589,759	7,928,308
2011/12	101	6,513,348	772,941	3,813,787	11,100,077
2012/13	94	7,149,566	861,356	4,000,574	12,011,496
2013/14	81	8,460,154	960,894	4,674,650	14,095,698
2014/15	91	8,270,672	970,987	5,255,398	14,497,057
2015/16	95	4,319,504	716,599	4,029,705	9,065,808
2016/17	142	8,520,926	1,342,720	6,471,852	16,335,498
2017/18	159	10,867,745	1,915,391	9,134,007	21,917,143
2018/19	156	14,737,966	2,052,503	8,955,193	25,745,662
2019/20	188	13,137,711	2,251,029	8,485,828	23,874,568
Grand Total	1,411	105,859,130	15,595,818	64,520,317	185,975,266

Table 3: Analysis of Primary Injuries for Claims Closed/Settled under Gastroenterology specialty with damages paid between financial years 2000/01 - 2019/20
Please note: NHSLA can only report on claims relating to the specialty Gastroenterology and we cannot report on the specific procedures asked for.

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid

Primary Injury Types	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Fatality	309	19,145,080	3,211,400	13,121,286	35,477,766
Psychiatric/Psychological Dmge	36	868,005	191,735	941,308	2,001,048
Brain Damage	8	8,356,665	645,680	2,086,635	11,088,980
Bowel Damage/ Dysfunction	119	13,408,506	1,987,607	7,584,917	22,981,030
H.I.V.	#	#	#	#	#
Bladder Damage	5	2,303,000	179,356	507,625	2,989,981
Chromosomal Abnormality	#	#	#	#	#
Multiple Disabilities	#	#	#	#	#
Unnecessary Pain	245	7,377,779	1,637,221	7,347,286	16,362,287
Adtnl/unnecessary Operation(s)	170	14,361,671	2,193,187	9,446,352	26,001,210
Cancer	73	4,529,532	687,826	3,153,767	8,371,125
Advanced Stage Cancer	61	4,330,050	552,794	2,392,517	7,275,360
Bile Duct Damage	35	3,955,725	360,503	1,783,282	6,099,510
Incontinence	#	#	#	#	#
Perforation	64	3,217,716	722,825	2,864,847	6,805,388
Liver Damage	10	296,750	59,677	333,450	689,877
Malignant Tumour	#	#	#	#	#
Amputation - Lower	5	1,526,000	183,503	538,500	2,248,003
Other	13	342,430	56,876	269,685	668,990
Dental Damage	9	19,772	3,774	28,015	51,561
Hernia	8	348,750	83,145	307,550	739,445
Fistula	7	1,302,308	160,237	406,530	1,869,075
Multiple Injuries	9	851,000	135,217	446,952	1,433,170
Other Infection	24	671,141	148,242	531,143	1,350,525
Osteoporosis	#	#	#	#	#
Peritonitis	21	2,564,608	247,396	1,280,294	4,092,299
Poor Outcome - Fractures Etc.	#	#	#	#	#
Renal Damage/ Failure	9	1,791,349	137,066	596,500	2,524,915
Stroke	6	1,349,425	90,935	469,259	1,909,620
Ulcerative Colitis	#	#	#	#	#
Cardiovascular Condition	#	#	#	#	#
Bruising/ Extravasation	7	71,000	19,394	104,389	194,783
Nerve Damage	8	1,306,289	221,481	905,210	2,432,980
Pressure Sores	23	309,100	82,906	516,380	908,386
Scarring	11	128,095	43,419	103,150	274,664
Reduced Life Expectancy	#	#	#	#	#
Other Visual Problems	#	#	#	#	#
Fracture	14	261,621	46,078	208,056	515,755
Hospital Acquired Infection	12	292,000	73,995	213,350	579,345
Anaphylact Shock/Allergic Shock/allergy	6	25,996	4,238	49,635	79,869
Thrombosis/Embolism	#	#	#	#	#
Impotence	#	#	#	#	#
Viral Infection	#	#	#	#	#
Malnutrition	#	#	#	#	#
Tissue Damage	5	474,822	69,858	302,500	847,180
Anal Fissure	#	#	#	#	#
Oedema	#	#	#	#	#
Burn(s)	6	33,000	1,873	32,500	67,373
Compartment Syndrome	#	#	#	#	#
Cardiac Arrest	7	464,000	195,753	947,069	1,606,822
Paraplegia	#	#	#	#	#
Not Specified	#	#	#	#	#
Tuberculosis	#	#	#	#	#
Infertility	#	#	#	#	#
Partial Hearing Loss	#	#	#	#	#
Rupture	#	#	#	#	#
Scalp Damage	#	#	#	#	#
Cystic Growth	#	#	#	#	#
Respiratory Disorder/ Failure	#	#	#	#	#
Amputation - Upper	#	#	#	#	#
Foot Drop	#	#	#	#	#

Table 3: Analysis of Primary Injuries for Claims Closed/Settled under Gastroenterology specialty with damages paid between financial years 2000/01 - 2019/20

Please note: NHSLA can only report on claims relating to the specialty Gastroenterology and we cannot report on the specific procedures asked for.

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid

Primary Injury Types	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Dislocation	#	#	#	#	#
Infectious Diseases	#	#	#	#	#
Arterial Damage	#	#	#	#	#
Epilepsy	#	#	#	#	#
Spinal Damage	#	#	#	#	#
Grand Total	1,411	105,859,130	15,595,818	64,520,317	185,975,266

Table 4: Analysis of Primary Causes for Claims Closed/Settled under Gastroenterology specialty with damages paid between financial years 2000/01 - 2019/20

Please note: NHSLA can only report on claims relating to the specialty Gastroenterology and we cannot report on the specific procedures asked for.

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid

Primary Causes	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Equipment Malfunction	5	71,665	13,265	77,007	161,938
Fail / Delay Treatment	308	21,564,018	3,335,363	15,139,653	40,039,033
Fail To Carry Out PO Observs.	8	305,620	60,774	182,800	549,194
Fail To Follow-Up Arrangements	34	2,063,863	181,196	909,138	3,154,197
Fail To Recog. Complication Of	69	4,871,743	837,173	3,210,622	8,919,537
Fail To Supervise	9	679,110	79,445	390,471	1,149,026
Fail To Warn-Informed Consent	29	2,770,360	338,601	1,485,782	4,594,743
Failure To Interpret X-Ray	7	2,224,500	126,536	518,800	2,869,836
Failure To Perform Operation	10	1,622,029	125,675	433,289	2,180,993
Failure/Delay Diagnosis	321	25,478,093	4,202,234	15,875,024	45,555,352
Inadequate Monitoring Intra-Op	#	#	#	#	#
Inadequate Nursing Care	55	856,520	154,986	1,011,392	2,022,898
Inadqte Monitor In Recov Room	#	#	#	#	#
Inappropriate Treatment	72	7,677,374	1,031,514	4,344,275	13,053,162
Intra-Op Problems	108	10,772,945	1,460,246	6,040,800	18,273,991
Lack Of Assistance/Care	10	289,524	42,227	258,995	590,746
Lack Of Facilities/Equipment	#	#	#	#	#
Other	7	223,265	53,434	271,950	548,649
Delay In Performing Operation	34	2,912,108	386,329	1,487,100	4,785,537
Operator Error	36	3,094,616	334,055	1,719,328	5,147,999
Fail/Delay Admitting To Hosp.	#	#	#	#	#
Infusion Problems	6	218,300	44,827	157,089	420,216
Foreign Body Left In Situ	10	129,000	21,854	150,425	301,279
Inapprop. Case Selection	#	#	#	#	#
Application Of Excess Force	5	59,296	10,408	42,550	112,254
Lack Of Pre-Op Evaluation	8	645,778	112,281	450,850	1,208,909
Retained Instrument Post-Operation	11	400,107	97,449	284,875	782,432
Fail To Act On Abnorm Test Res	28	1,914,316	187,343	963,742	3,065,402
Wrong Diagnosis	24	1,442,804	178,852	850,454	2,472,110
Fail/Delay Referring To Hosp.	5	165,458	29,145	174,402	369,005
Failed Infection Control Policy/Hospital Hygiene	5	211,750	44,237	87,000	342,987
Fail To Interpret USS	#	#	#	#	#
Medication Errors	38	1,590,917	246,015	1,187,687	3,024,619
Err With Agnt/Dose/Route/Selec	20	4,280,085	322,951	843,282	5,446,319
Perform. Of Op. Not Indicated	12	810,001	197,326	646,751	1,654,078
Diathermy Burns/react. To Prep	6	470,970	84,784	396,000	951,754
Failure To Perform Tests	38	2,511,002	392,073	1,895,689	4,798,764
Bacterial Infection	5	956,500	177,410	390,792	1,524,702
Inappropriate Discharge	#	#	#	#	#
Unexpected Death	5	140,150	37,625	151,560	329,335
Intubation Problems	#	#	#	#	#
Fail To Infrm Test Rslts	11	304,744	172,536	673,553	1,150,833
Failure To X-Ray	5	359,066	63,405	276,600	699,071
Wrong Site Surgery	#	#	#	#	#
Incorrect Injection Site	#	#	#	#	#
Cross Infection	5	59,600	11,600	50,850	122,050
Improp. Delegation To Junior	#	#	#	#	#
Probs With Medical Records	#	#	#	#	#
Unknown	#	#	#	#	#
MisplacedNaso/OrogastricTubeNotDet	#	#	#	#	#
Re-Canalisation	#	#	#	#	#
Injured By Another Patient	#	#	#	#	#
Assault, Etc By Hospital Staff	#	#	#	#	#
Self Harm	#	#	#	#	#
Tooth Inj & Patient Posit Prob	#	#	#	#	#
Grand Total	1,411	105,859,130	15,595,818	64,520,317	185,975,266