



# Resolution

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**Telephone:** 020 7811 2700

October 2020  
FOI\_4800

The following information was requested on 6 October 2020:

*Litigation costs of medical negligence claims specifically due to errors in anaesthetics. Would it be possible to request the data for a 5 year period? Previously the data had only included the settlement amounts paid to patients, is it possible to gain information about the legal costs to the NHS? Lawyer fees, court costs, time spent etc.?*

*Previously the data you sent had classified the data by cause; drug error, awareness, difficult airway etc. Is it possible to do so again?*

## **Our Response**

We were unable to find the previous request referred to. Please find attached the requested information that we are able to provide.

Please note we have suppressed low figures and we are unable to provide you with information about individual cases 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

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

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**Data corrected as at 9/30/2020**

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 and costs of claims Closed/Settled under Anaesthesia Specialty with damages paid between financial years 2014/15, 2015/16, 2016/17, 2017/18, 2018/19, 2019/20

Table 2 : Analysis of Primary Injuries for claims under Anaesthesia Specialty Closed/Settled with damages paid between financial years 2014/15 - 2019/20

Table 3 : Analysis of Primary Causes for claims under Anaesthesia Specialty Closed/Settled with damages paid between financial years 2014/15 - 2019/20

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**Data corrected as at 9/30/2020**

Table 1 : Number and costs of claims Closed/Settled under Anaesthesia Specialty with damages paid between financial years 2014/15, 2015/16, 2016/17, 2017/18, 2018/19, 2019/20

Closed_Settled	Clinical_NonClinical	Claim_Outcome_FOI				
Y	Clinical	Damages Paid				
Closure_Year_or_PPOs_Settlement_Year	Number of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Costs Paid	Total Paid	
2014/15	90	£3,431,121.14	£381,865.69	£2,789,115	£6,602,102	
2015/16	92	£16,236,499.05	£1,552,548.28	£7,554,632	£25,343,679	
2016/17	85	£13,019,473.5	£1,001,920.42	£4,090,678	£18,112,072	
2017/18	92	£23,038,186.41	£1,724,862.27	£8,517,871	£33,280,919	
2018/19	109	£8,999,465.4	£1,391,465.892	£5,224,689	£15,615,620	
2019/20	101	£12,954,141.89	£1,313,297.715	£4,302,911	£18,570,351	
<b>Total</b>	<b>569</b>	<b>£77,678,887.39</b>	<b>£7,365,960.267</b>	<b>£32,479,896</b>	<b>£117,524,743</b>	

Data corrected as at 9/30/2020

Table 2 : Analysis of Primary Injuries for claims under Anaesthesia Specialty Closed/Settled with damages paid between financial years 2014/15 - 2019/20

Closed_Settled	Clinical_NonClinical	Claim_Outcome_FOI					
Y	Clinical	Damages Paid					
Concatenated Injury			Number of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Costs Paid	Total Paid
		Adtnl/unnecessary Operation(s)	19	£341,425	£137,017	£765,281	£1,243,723
		Adtnl/unnecessary Operation(s),Psychiatric/Psychological Dmge	*	*	*	*	*
		Adtnl/unnecessary Operation(s),Respiratory Disorder/ Failure,Scarring	*	*	*	*	*
		Adtnl/unnecessary Operation(s),Scarring	*	*	*	*	*
		Adtnl/unnecessary Operation(s),Scarring,Psychiatric/Psychological Dmge	*	*	*	*	*
		Adtnl/unnecessary Operation(s),Unnecessary Pain	*	*	*	*	*
		Anaesthetic	18	£527,036	£83,915	£592,010	£1,202,961
		Anaesthetic,Bruising/ Extravasation	*	*	*	*	*
		Anaesthetic,Burn(s)	*	*	*	*	*
		Anaesthetic,Psychiatric/Psychological Dmge	*	*	*	*	*
		Anaesthetic,Psychiatric/Psychological Dmge,Unnecessary Pain	*	*	*	*	*
		Anaesthetic,Unnecessary Pain	*	*	*	*	*
		Anaphylact Shock/Allergic Shock/allergy	11	£172,982	£59,641	£384,258	£616,880
		Anaphylact Shock/Allergic Shock/allergy,Psychiatric/Psychological Dmge	*	*	*	*	*
		Anaphylact Shock/Allergic Shock/allergy,Psychiatric/Psychological Dmge,Unnecessary Pain	*	*	*	*	*
		Arterial Damage,Fatality	*	*	*	*	*
		Bladder Damage	*	*	*	*	*
		Blindness	*	*	*	*	*
		Bowel Damage/ Dysfunction,Nerve Damage	*	*	*	*	*
		Bowel Damage/ Dysfunction,Nerve Damage,Unnecessary Pain	*	*	*	*	*
		Brain Damage	20	£29,112,694	£1,685,662	£5,690,142	£36,488,498
		Brain Damage,Blindness	*	*	*	*	*
		Brain Damage,Cardiac Arrest	*	*	*	*	*
		Brain Damage,Fatality	*	*	*	*	*
		Bruising/ Extravasation	8	£588,120	£81,046	£385,505	£1,054,671
		Bruising/ Extravasation,Burn(s)	*	*	*	*	*
		Bruising/ Extravasation,Psychiatric/Psychological Dmge	*	*	*	*	*
		Bruising/ Extravasation,Unnecessary Pain	*	*	*	*	*
		Burn(s)	*	*	*	*	*
		Burn(s),Scarring	*	*	*	*	*
		Cardiac Arrest	9	£1,151,261	£299,133	£1,407,700	£2,858,094
		Cardiac Arrest,Adtnl/unnecessary Operation(s)	*	*	*	*	*
		Cardiac Arrest,Brain Damage	*	*	*	*	*
		Cardiac Arrest,Bruising/ Extravasation	*	*	*	*	*
		Cardiac Arrest,Fatality	*	*	*	*	*
		Cardiac Arrest,Psychiatric/Psychological Dmge	*	*	*	*	*
		Cardiac Arrest,Respiratory Disorder/ Failure	*	*	*	*	*
		Cardiac Arrest,Unnecessary Pain	*	*	*	*	*
		Cardiovascular Condition	*	*	*	*	*
		Cardiovascular Condition,Psychiatric/Psychological Dmge,Unnecessary Pain	*	*	*	*	*
		Compartment Syndrome	*	*	*	*	*
		Deafness	*	*	*	*	*
		Dental Damage	37	£187,396	£46,969	£256,915	£491,280
		Dental Damage,Unnecessary Pain	*	*	*	*	*
		Epilepsy	*	*	*	*	*
		Fatality	36	£4,651,566	£504,789	£2,685,022	£7,841,377
		Foot Drop	*	*	*	*	*
		Fracture	*	*	*	*	*
		Hemiparesis	*	*	*	*	*
		Hospital Acquired Infection	*	*	*	*	*
		Hospital Acquired Infection,MRSA,Unnecessary Pain	*	*	*	*	*
		Joint Damage	*	*	*	*	*
		Joint Damage,Adtnl/unnecessary Operation(s)	*	*	*	*	*
		Loss Of Kidney	*	*	*	*	*
		Multiple Disabilities	*	*	*	*	*
		Multiple Injuries	*	*	*	*	*
		Nerve Damage	25	£2,936,643	£732,662	£2,739,267	£6,408,573
		Nerve Damage,Bladder Damage	*	*	*	*	*
		Nerve Damage,Foot Drop	*	*	*	*	*
		Nerve Damage,Lung Disease	*	*	*	*	*
		Nerve Damage,Other	*	*	*	*	*
		Nerve Damage,Pressure Sores	*	*	*	*	*
		Nerve Damage,Spinal Damage	*	*	*	*	*
		Not Specified	*	*	*	*	*
		Other	10	£79,025	£15,706	£146,645	£241,376
		Other Infection	*	*	*	*	*
		Other Visual Problems	9	£183,309	£52,733	£289,111	£525,153
		Other Visual Problems,Psychiatric/Psychological Dmge	*	*	*	*	*
		Other Visual Problems,Unnecessary Pain	*	*	*	*	*
		Paraplegia	*	*	*	*	*
		Partial Paralysis	*	*	*	*	*
		Partial Paralysis,Pressure Sores	*	*	*	*	*
		Partial Paralysis,Psychiatric/Psychological Dmge	*	*	*	*	*
		Perforation	*	*	*	*	*
		Perforation,Anaesthetic	*	*	*	*	*
		Perforation,Unnecessary Pain	*	*	*	*	*
		Poor Outcome - Fractures Etc.	*	*	*	*	*
		Pressure Sores	*	*	*	*	*
		Pressure Sores,Scarring	*	*	*	*	*
		Pressure Sores,Scarring,Psychiatric/Psychological Dmge	*	*	*	*	*
		Psychiatric/Psychological Dmge	98	£3,008,493	£468,914	£2,838,924	£6,316,332
		Psychiatric/Psychological Dmge,Adtnl/unnecessary Operation(s)	*	*	*	*	*
		Psychiatric/Psychological Dmge,Anaesthetic	*	*	*	*	*
		Psychiatric/Psychological Dmge,Bruising/ Extravasation	*	*	*	*	*
		Psychiatric/Psychological Dmge,Cardiac Arrest	*	*	*	*	*
		Psychiatric/Psychological Dmge,Unnecessary Pain	11	£148,940	£27,558	£222,488	£398,986
		Renal Damage/ Failure,Adtnl/unnecessary Operation(s)	*	*	*	*	*
		Respiratory Disorder/ Failure	13	£246,342	£59,664	£385,683	£691,689
		Respiratory Disorder/ Failure,Anaphylact Shock/Allergic Shock/allergy	*	*	*	*	*
		Respiratory Disorder/ Failure,Cardiac Arrest	*	*	*	*	*
		Respiratory Disorder/ Failure,Fatality	*	*	*	*	*
		Respiratory Disorder/ Failure,Incontinence	*	*	*	*	*
		Respiratory Disorder/ Failure,Psychiatric/Psychological Dmge	*	*	*	*	*
		Respiratory Disorder/ Failure,Renal Damage/ Failure	*	*	*	*	*
		Scarring	*	*	*	*	*
		Scarring,Cosmetic Disfigurement	*	*	*	*	*
		Scarring,Unnecessary Pain	*	*	*	*	*
		Spinal Damage	7	£8,796,601	£437,272	£2,252,800	£11,486,674
		Spinal Damage,Nerve Damage	*	*	*	*	*
		Spinal Damage,Paraplegia	*	*	*	*	*
		Stroke	*	*	*	*	*
		Stroke,Arterial Damage	*	*	*	*	*
		Tetraplegia/ Quadraplegia,Bladder Damage	*	*	*	*	*
		Thrombosis/Embolism	*	*	*	*	*
		Thrombosis/Embolism,Tissue Damage	*	*	*	*	*
		Tissue Damage	*	*	*	*	*
		Tissue Damage,Adtnl/unnecessary Operation(s),Bruising/ Extravasation	*	*	*	*	*
		Unnecessary Pain	76	£919,076	£251,651	£1,552,164	£2,722,891
		Unnecessary Pain,Adtnl/unnecessary Operation(s)	*	*	*	*	*
		Unnecessary Pain,Adtnl/unnecessary Operation(s),Psychiatric/Psychological Dmge	*	*	*	*	*
		Unnecessary Pain,Bruising/ Extravasation	*	*	*	*	*
		Unnecessary Pain,Nerve Damage	*	*	*	*	*
		Unnecessary Pain,Psychiatric/Psychological Dmge	13	£158,750	£29,375	£263,704	£451,829
		Unnecessary Pain,Psychiatric/Psychological Dmge,Adtnl/unnecessary Operation(s)	*	*	*	*	*
		Unnecessary Pain,Scarring	*	*	*	*	*
		Vocal Cord Damage	*	*	*	*	*
		<b>Total</b>	<b>569</b>	<b>£77,678,887</b>	<b>£7,365,960</b>	<b>£32,479,896</b>	<b>£117,524,743</b>

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Table 3 : Analysis of Primary Causes for claims under Anaesthesia Specialty Closed/Settled with damages paid between financial years 2014/15 - 2019/20

Closed_Settled	Clinical_NonClinical	Claim_Outcome_FOI				
Y	Clinical	Damages Paid				
Cause1L1	Number of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Costs Paid	Total Paid	
Wrong Diagnosis	★	★	★	★	★	
Unexpected Death	★	★	★	★	★	
Tooth Inj & Patient Posit Prob	8	£32,600	£6,846	£30,780	£70,226	
Retained Instrument Post-Operation	★	★	★	★	★	
Re-Canalisation	★	★	★	★	★	
Perform. Of Op. Not Indicated	★	★	★	★	★	
Other	9	£90,250	£17,303	£132,467	£240,020	
Operator Error	47	£4,076,649	£397,583	£1,877,064	£6,351,296	
MisplacedNaso/OrogastricTubeNotDet	★	★	★	★	★	
Medication Errors	70	£3,425,380	£501,602	£2,711,391	£6,638,372	
Lack Of Pre-Op Evaluation	7	£918,751	£81,922	£562,200	£1,562,873	
Lack Of Assistance/Care	9	£586,064	£34,579	£198,450	£819,094	
Intubation Problems	27	£1,595,271	£161,191	£1,077,722	£2,834,185	
Intra-Op Problems	48	£10,135,739	£1,051,251	£3,717,971	£14,904,960	
Infusion Problems	8	£1,882,437	£109,488	£394,350	£2,386,275	
Incorrect Injection Site	16	£1,203,923	£166,218	£621,512	£1,991,652	
Inappropriate Treatment	52	£1,328,476	£450,245	£1,827,902	£3,606,623	
Inapprop. Case Selection	★	★	★	★	★	
Inapp Use Of Forceps/Ventouse	★	★	★	★	★	
Inadqte Monitor In Recov Room	★	★	★	★	★	
Inadequate Nursing Care	8	£6,892,604	£224,975	£564,709	£7,682,288	
Inadequate Monitoring Intra-Op	22	£7,957,799	£737,490	£3,218,442	£11,913,731	
Foreign Body Left In Situ	12	£210,925	£37,872	£265,978	£514,775	
Failure/Delay Diagnosis	11	£633,039	£226,768	£800,664	£1,660,471	
Failure To X-Ray	★	★	★	★	★	
Failure To Perform Tests	★	★	★	★	★	
Failure To Perform Operation	★	★	★	★	★	
Failure To Interpret X-Ray	★	★	★	★	★	
Failed Infection Control Policy/Hospital Hygiene	★	★	★	★	★	
Fail/Delay Of Avail Emgy Anaes	★	★	★	★	★	
Fail/Delay Avail Op Thtre	★	★	★	★	★	
Fail To Warn-Informed Consent	22	£5,176,817	£437,904	£1,719,721	£7,334,442	
Fail To Supervise	★	★	★	★	★	
Fail To Recog. Complication Of	23	£7,378,733	£617,560	£2,938,778	£10,935,071	
Fail To Monitor 1st Stg Labour	★	★	★	★	★	
Fail To Carry Out PO Observs.	★	★	★	★	★	
Fail To Act On Abnorm Test Res	★	★	★	★	★	
Fail Mon Dose/rate Syntocinon	★	★	★	★	★	
Fail / Delay Treatment	33	£5,618,892	£511,139	£2,005,270	£8,135,301	
Err With Agnt/Dose/Route/Selec	82	£11,150,924	£822,441	£4,508,016	£16,481,381	
Equipment Malfunction	★	★	★	★	★	
Diathermy Burns/react. To Prep	★	★	★	★	★	
Delay In Performing Operation	★	★	★	★	★	
Cross Infection	★	★	★	★	★	
Bacterial Infection	★	★	★	★	★	
Application Of Excess Force	★	★	★	★	★	
<b>Total</b>	<b>569</b>	<b>£77,678,887</b>	<b>£7,365,960</b>	<b>£32,479,896</b>	<b>£117,524,743</b>	