



Resolution

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December 2020
FOI_4850

The following information was requested on 12 November 2020:

*The financial costs of Never Events to hospital Trusts of Never Events
The costs of incivility in Operating Theatres throughout the NHS, if any?*

Our Response

Please note Due to the initiation on 1 February 2018 of a revised Never Events list, which included changes to some of the definitions of Never Events and the addition of new types of Never Event, reports covering periods since 1 February 2018 are not comparable with earlier reports. This explains the reference to 'No mapping in the attached report'.

It is not possible to compare the number of Never Events reported in the 2016/17 and 2015/16 final updates with reports covering previous years. This is because the Never Events Policy and Framework and the Never Events list was revised in March 2015.

The NHS has become better at incident reporting which is also expected to have led to an increase in the numbers of reported Never Events. In addition, the numbers of Never Events reported by independent providers is also increasing as they report more incidents to our national systems to support learning.

Please visit the NHS England website for more information: -
<https://www.england.nhs.uk/patient-safety/never-events-data/>

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 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.

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Table 1: Number and Cost of Never Event Claims Closed/Settled with damages paid between financial years 2015/16 to 2019/20

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid
Never Event?	Never Event

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2015/16	25	432,755	55,976	361,121	849,852
2016/17	35	614,974	140,318	693,528	1,448,820
2017/18	76	847,920	85,066	864,166	1,797,152
2018/19	122	4,743,309	373,695	2,257,271	7,374,274
2019/20	148	3,484,200	399,450	2,311,642	6,195,292
Grand Total	406	10,123,158	1,054,505	6,487,728	17,665,391

Table 2: Number and Cost of Never Event Claims Closed/Settled with NIL damages paid between financial years 2015/16 to 2019/20

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	NIL Damages
Never Event?	Never Event

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2015/16	#	#	0	0	#
2016/17	#	#	2,090	0	#
2017/18	25	0	90,723	0	90,723
2018/19	17	0	19,996	0	19,996
2019/20	33	0	67,427	0	67,427
Grand Total	80	0	180,235	0	180,235

Table 3: Analysis of Primary Specialty for Never Event Claims Closed/Settled with damages paid between financial years 2015/16 to 2019/20

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid
Never Event?	Never Event

Year of Closure (Settlement Year for PPOs) ----- Primary Specialty	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2015/16	25	432,755	55,976	361,121	849,852
Dentistry	#	#	#	#	#
Gastroenterology	#	#	#	#	#
General Surgery	5	59,955	11,206	87,250	158,411
Gynaecology	#	#	#	#	#
Obstetrics	#	#	#	#	#
Orthopaedic Surgery	7	91,250	4,689	52,107	148,045
Plastic Surgery	#	#	#	#	#
Urology	#	#	#	#	#
Intensive Care Medicine	#	#	#	#	#
2016/17	35	614,974	140,318	693,528	1,448,820
Cardio Surgery	#	#	#	#	#
Cardiology	#	#	#	#	#
Dentistry	#	#	#	#	#
Emergency Medicine	#	#	#	#	#
General Surgery	#	#	#	#	#
Gynaecology	#	#	#	#	#
Neurosurgery	#	#	#	#	#
Obstetrics	#	#	#	#	#
Ophthalmology	#	#	#	#	#
Orthopaedic Surgery	5	81,000	46,571	171,667	299,238
Otorhinolaryngology/ ENT	#	#	#	#	#
Radiology	#	#	#	#	#
Surgical Speciality - Other	#	#	#	#	#
Urology	#	#	#	#	#
Vascular Surgery	#	#	#	#	#
Geriatric Medicine	#	#	#	#	#
Histopathology	#	#	#	#	#
Anaesthesia	#	#	#	#	#
Oncology	#	#	#	#	#
2017/18	76	847,920	85,066	864,166	1,797,152
Cardio Surgery	#	#	#	#	#
Comm Mental Servs	#	#	#	#	#
Dentistry	#	#	#	#	#
Dermatology	#	#	#	#	#
Emergency Medicine	#	#	#	#	#
Gastroenterology	#	#	#	#	#
General Medicine	#	#	#	#	#
General Surgery	8	311,750	18,629	181,950	512,329
Gynaecology	5	45,500	1,249	32,908	79,657
Neurosurgery	#	#	#	#	#
Obstetrics	#	#	#	#	#
Ophthalmology	#	#	#	#	#
Oral & Maxillo Facial Surgery	#	#	#	#	#
Orthopaedic Surgery	9	105,264	15,257	107,223	227,743
Otorhinolaryngology/ ENT	#	#	#	#	#
Plastic Surgery	#	#	#	#	#
Radiology	#	#	#	#	#
Renal Medicine	#	#	#	#	#
Surgical Speciality - Other	#	#	#	#	#
Urology	6	66,000	3,202	78,302	147,505
Vascular Surgery	#	#	#	#	#
Occupational Therapy	#	#	#	#	#
Intensive Care Medicine	5	34,000	7,871	97,831	139,702
Anaesthesia	#	#	#	#	#
District Nursing	#	#	#	#	#

Table 3: Analysis of Primary Specialty for Never Event Claims Closed/Settled with damages paid between financial years 2015/16 to 2019/20

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid
Never Event?	Never Event

Year of Closure (Settlement Year for PPOs) ----- Primary Specialty	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2018/19	122	4,743,309	373,695	2,257,271	7,374,274
Cardio Surgery	#	#	#	#	#
Cardiology	#	#	#	#	#
Dentistry	5	87,000	7,063	66,310	160,373
Dermatology	#	#	#	#	#
Emergency Medicine	#	#	#	#	#
General Medicine	#	#	#	#	#
General Surgery	17	247,900	24,184	224,750	496,834
Gynaecology	11	134,740	29,461	164,050	328,251
Neurology	#	#	#	#	#
Neurosurgery	#	#	#	#	#
Obstetrics	13	118,826	16,660	140,958	276,445
Ophthalmology	8	75,500	11,119	99,697	186,316
Oral & Maxillo Facial Surgery	7	117,018	10,892	80,231	208,141
Orthopaedic Surgery	15	443,438	21,669	295,439	760,547
Otorhinolaryngology/ ENT	#	#	#	#	#
Plastic Surgery	#	#	#	#	#
Radiology	#	#	#	#	#
Renal Medicine	#	#	#	#	#
Surgical Speciality - Other	#	#	#	#	#
Urology	5	182,115	44,388	251,050	477,553
Vascular Surgery	#	#	#	#	#
Geriatric Medicine	#	#	#	#	#
Intensive Care Medicine	#	#	#	#	#
Anaesthesia	#	#	#	#	#
Oncology	#	#	#	#	#
Podiatry	#	#	#	#	#
District Nursing	#	#	#	#	#
Blood Transfusion	#	#	#	#	#
Respiratory Medicine/ Thoracic Medic	#	#	#	#	#
Forensic Pathology	#	#	#	#	#
2019/20	148	3,484,200	399,450	2,311,642	6,195,292
Cardio Surgery	#	#	#	#	#
Cardiology	#	#	#	#	#
Dentistry	11	90,605	16,383	81,259	188,247
Dermatology	#	#	#	#	#
Emergency Medicine	#	#	#	#	#
Gastroenterology	#	#	#	#	#
General Medicine	#	#	#	#	#
General Surgery	19	267,229	25,824	239,455	532,508
Gynaecology	7	81,454	2,907	76,730	161,091
Neurology	#	#	#	#	#
Neurosurgery	#	#	#	#	#
Obstetrics	14	86,200	21,876	143,927	252,003
Ophthalmology	8	163,250	4,116	82,115	249,481
Oral & Maxillo Facial Surgery	10	59,150	7,336	63,500	129,986
Orthopaedic Surgery	20	1,522,142	153,391	570,734	2,246,267
Otorhinolaryngology/ ENT	#	#	#	#	#
Plastic Surgery	#	#	#	#	#
Radiology	#	#	#	#	#
Surgical Speciality - Other	5	41,200	10,601	94,722	146,523
Urology	8	480,487	54,462	166,425	701,374
Histopathology	#	#	#	#	#
Intensive Care Medicine	5	69,381	7,772	114,000	191,153
Anaesthesia	7	99,750	17,925	139,724	257,399
Oncology	#	#	#	#	#

Table 3: Analysis of Primary Specialty for Never Event Claims Closed/Settled with damages paid between financial years 2015/16 to 2019/20

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid
Never Event?	Never Event

Year of Closure (Settlement Year for PPOs) ----- Primary Specialty	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
District Nursing	#	#	#	#	#
Paediatrics	#	#	#	#	#
Rheumatology	#	#	#	#	#
Infectious Diseases	#	#	#	#	#
Respiratory Medicine/ Thoracic Medic	#	#	#	#	#
Endocrinology	#	#	#	#	#
Grand Total	406	10,123,158	1,054,505	6,487,728	17,665,391

Table 4: Analysis of Type of Never Event Claims Closed/Settled with damages paid between financial years 2015/16 to 2019/20

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid
Never Event?	Never Event

Year of Closure (Settlement Year for PPOs) ----- Type of Never Event	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2015/16	25	432,755	55,976	361,121	849,852
Misplaced nasogastric or orogastric tubes	#	#	#	#	#
Retained Foreign Object Post Procedure	11	277,018	37,942	227,864	542,824
Wrong Implant/Prosthesis	#	#	#	#	#
Wrong site surgery	11	92,737	13,667	105,167	211,570
2016/17	35	614,974	140,318	693,528	1,448,820
Falls from poorly restricted windows	#	#	#	#	#
No Mapping	#	#	#	#	#
Overdose of insulin due abbreviate/incorrdevice	#	#	#	#	#
Retained Foreign Object Post Procedure	17	254,260	73,227	359,834	687,320
Scalding of Patients	#	#	#	#	#
Wrong Implant/Prosthesis	#	#	#	#	#
Wrong Route Administration of Medication	#	#	#	#	#
Wrong site surgery	8	199,464	50,529	231,550	481,543
2017/18	76	847,920	85,066	864,166	1,797,152
Chest or neck entrapment in bed nails	#	#	#	#	#
Misplaced nasogastric or orogastric tubes	#	#	#	#	#
No Mapping	5	66,000	19,288	162,985	248,273
Retained Foreign Object Post Procedure	36	321,656	30,496	347,345	699,497
Wrong Implant/Prosthesis	5	61,750	4,193	22,500	88,443
Wrong Route Administration of Medication	7	21,500	2,369	21,325	45,194
Wrong site surgery	19	336,014	22,814	244,011	602,839
2018/19	122	4,743,309	373,695	2,257,271	7,374,274
Misplaced nasogastric or orogastric tubes	5	3,267,128	166,403	624,940	4,058,471
No Mapping	#	#	#	#	#
Retained Foreign Object Post Procedure	59	599,200	82,812	636,736	1,318,748
Scalding of Patients	#	#	#	#	#
Transfuse/transportABOincompatbloodcomponen/	#	#	#	#	#
Wrong Implant/Prosthesis	10	111,000	16,521	142,939	270,460
Wrong Route Administration of Medication	5	109,284	23,246	122,550	255,081
Wrong site surgery	36	609,232	80,838	684,406	1,374,476
2019/20	148	3,484,200	399,450	2,311,642	6,195,292
Chest or neck entrapment in bed nails	#	#	#	#	#
Misplaced nasogastric or orogastric tubes	10	277,216	30,941	243,150	551,307
MisslectHighStrengthMidazolam-conscious sedatic	#	#	#	#	#
No Mapping	7	1,432,435	133,404	406,650	1,972,489
Overdose of insulin due abbreviate/incorrdevice	#	#	#	#	#
Retained Foreign Object Post Procedure	58	971,535	130,209	848,425	1,950,169
Scalding of Patients	#	#	#	#	#
Wrong Implant/Prosthesis	16	285,255	22,999	211,157	519,412
Wrong Route Administration of Medication	6	65,500	28,888	130,875	225,263
Wrong site surgery	46	377,259	42,955	377,010	797,224
Grand Total	406	10,123,158	1,054,505	6,487,728	17,665,391