



# Resolution

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January 2021  
FOI\_4903

The following information was requested on 28 December 2020 and clarified on 6 January 21:

*All Claims with the specialty codes Plastic Surgery and Orthopaedic Surgery from years 2014 up to 2020.*

*The report could cover number of claims received for the above specialty in the relevant financial years (e.g. 18/19); a breakdown by primary cause; a breakdown by injury; number of claims settled with associated costs; numbers with no damages paid and numbers currently open.*

## **Our Response**

Please find attached the requested information.

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/>

Freedom of Information Request# : 4903

**Data corrected as at 12/31/2020**

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 of claims under 'Orthopaedic Surgery' and 'Plastic Surgery' Specialities received between financial years 2014/15 - 2019/20

Table 2 : Number and costs of claims under 'Orthopaedic Surgery' and 'Plastic Surgery' Specialities Closed/Settled with damages paid between financial years 2014/15 - 2019/20

Table 3 : Number and costs of claims under 'Orthopaedic Surgery' and 'Plastic Surgery' Specialities Closed without damages paid between financial years 2014/15 - 2019/20

Table 4 : Analysis of Primary Injuries for claims under 'Orthopaedic Surgery' and 'Plastic Surgery' Specialities Closed/Settled with damages paid between financial years 2014/15 - 2019/20

Table 5 : Analysis of Primary Causes for claims under 'Orthopaedic Surgery' and 'Plastic Surgery' Specialities Closed/Settled with damages paid between financial years 2014/15 - 2019/20

Table 6 : Number of Open claims under 'Orthopaedic Surgery' and 'Plastic Surgery' Specialities between financial years 2014/15 - 2019/20

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## Data corrected as at 12/31/2020

Table 1 : Number of claims under 'Orthopaedic Surgery' and 'Plastic Surgery' Specialities received between financial years 2014/15 - 2019/20

Notifications	Clinical_NonClinical
Y	Clinical

NHSLA_Notification_Year	Number of Claims
<input type="checkbox"/> <b>2014/15</b>	<b>1746</b>
Orthopaedic Surgery	1643
Plastic Surgery	103
<input type="checkbox"/> <b>2015/16</b>	<b>1607</b>
Orthopaedic Surgery	1501
Plastic Surgery	106
<input type="checkbox"/> <b>2016/17</b>	<b>1486</b>
Orthopaedic Surgery	1382
Plastic Surgery	104
<input type="checkbox"/> <b>2017/18</b>	<b>1371</b>
Orthopaedic Surgery	1283
Plastic Surgery	88
<input type="checkbox"/> <b>2018/19</b>	<b>1351</b>
Orthopaedic Surgery	1265
Plastic Surgery	86
<input type="checkbox"/> <b>2019/20</b>	<b>1460</b>
Orthopaedic Surgery	1361
Plastic Surgery	99
<b>Total</b>	<b>9021</b>

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**Data corrected as at 12/31/2020**

Table 2 : Number and costs of claims under 'Orthopaedic Surgery' and 'Plastic Surgery' Specialities Closed/Settled with damages paid between financial years 2014/15 - 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 Legal Costs Paid	Total Paid	
<input type="checkbox"/> <b>2014/15</b>	<b>942</b>	<b>£79,847,797</b>	<b>£9,324,065</b>	<b>£44,031,368</b>	<b>£133,203,230</b>	
Orthopaedic Surgery	895	£79,041,786	£9,072,695	£42,962,279	£131,076,760	
Plastic Surgery	47	£806,012	£251,369	£1,069,089	£2,126,471	
<input type="checkbox"/> <b>2015/16</b>	<b>943</b>	<b>£79,785,730</b>	<b>£11,026,539</b>	<b>£53,240,806</b>	<b>£144,053,075</b>	
Orthopaedic Surgery	886	£77,158,277	£10,498,095	£50,531,503	£138,187,874	
Plastic Surgery	57	£2,627,453	£528,445	£2,709,303	£5,865,201	
<input type="checkbox"/> <b>2016/17</b>	<b>1088</b>	<b>£95,261,580</b>	<b>£14,086,923</b>	<b>£63,883,581</b>	<b>£173,232,084</b>	
Orthopaedic Surgery	1037	£92,292,409	£13,660,991	£61,133,293	£167,086,693	
Plastic Surgery	51	£2,969,171	£425,932	£2,750,288	£6,145,391	
<input type="checkbox"/> <b>2017/18</b>	<b>1026</b>	<b>£97,137,889</b>	<b>£14,017,818</b>	<b>£61,247,177</b>	<b>£172,402,884</b>	
Orthopaedic Surgery	972	£95,363,078	£13,643,402	£58,962,916	£167,969,396	
Plastic Surgery	54	£1,774,811	£374,416	£2,284,261	£4,433,488	
<input type="checkbox"/> <b>2018/19</b>	<b>960</b>	<b>£93,010,464</b>	<b>£12,445,924</b>	<b>£53,566,362</b>	<b>£159,022,750</b>	
Orthopaedic Surgery	895	£90,127,299	£12,016,864	£50,862,996	£153,007,159	
Plastic Surgery	65	£2,883,165	£429,060	£2,703,365	£6,015,591	
<input type="checkbox"/> <b>2019/20</b>	<b>1050</b>	<b>£99,834,703</b>	<b>£14,636,967</b>	<b>£54,708,708</b>	<b>£169,180,378</b>	
Orthopaedic Surgery	984	£96,995,805	£13,959,959	£52,008,354	£162,964,118	
Plastic Surgery	66	£2,838,898	£677,008	£2,700,354	£6,216,260	
<b>Total</b>	<b>6009</b>	<b>£544,878,164</b>	<b>£75,538,236</b>	<b>£330,678,002</b>	<b>£951,094,402</b>	

**Data corrected as at 12/31/2020**

Table 3 : Number and costs of claims under 'Orthopaedic Surgery' and 'Plastic Surgery' Specialities Closed without damages paid between financial years 2014/15 - 2019/20

Closed_Settled	Clinical_NonClinical	Claim_Outcome_FOI				
Y	Clinical	NIL Damages				
Closure_Year_or_PPOs_Settlement_Year	Number of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid	
<input type="checkbox"/> <b>2014/15</b>	<b>639</b>	<b>£0</b>	<b>£1,744,184.69</b>	<b>£113,827</b>	<b>£1,858,012</b>	
Orthopaedic Surgery	604	£0	£1,693,048.41	£113,827	£1,806,875	
Plastic Surgery	35	£0	£51,136.28	£0	£51,136	
<input type="checkbox"/> <b>2015/16</b>	<b>601</b>	<b>£0</b>	<b>£1,775,749.02</b>	<b>£106,813</b>	<b>£1,881,934</b>	
Orthopaedic Surgery	564	£0	£1,690,702.71	£106,813	£1,796,887	
Plastic Surgery	37	£0	£85,046.31	£0	£85,046	
<input type="checkbox"/> <b>2016/17</b>	<b>576</b>	<b>£0</b>	<b>£2,424,114.9483</b>	<b>£114,934</b>	<b>£2,533,049</b>	
Orthopaedic Surgery	538	£0	£2,364,921.3983	£96,934	£2,455,856	
Plastic Surgery	38	£0	£59,193.55	£18,000	£77,194	
<input type="checkbox"/> <b>2017/18</b>	<b>533</b>	<b>£0</b>	<b>£1,955,384.48</b>	<b>£13,870</b>	<b>£1,969,254</b>	
Orthopaedic Surgery	485	£0	£1,838,564.78	£13,663	£1,852,227	
Plastic Surgery	48	£0	£116,819.7	£207	£117,027	
<input type="checkbox"/> <b>2018/19</b>	<b>527</b>	<b>£0</b>	<b>£2,389,717.365</b>	<b>£36,523</b>	<b>£2,426,241</b>	
Orthopaedic Surgery	498	£0	£2,291,742.455	£36,523	£2,328,266	
Plastic Surgery	29	£0	£97,974.91	£0	£97,975	
<input type="checkbox"/> <b>2019/20</b>	<b>477</b>	<b>£0</b>	<b>£1,945,148.815</b>	<b>£56,603</b>	<b>£2,001,642</b>	
Orthopaedic Surgery	447	£0	£1,861,426.965	£56,603	£1,917,920	
Plastic Surgery	30	£0	£83,721.85	£0	£83,722	
<b>Total</b>	<b>3353</b>	<b>£0</b>	<b>£12,234,299.3183</b>	<b>£442,570</b>	<b>£12,670,131</b>	







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Table 6 : Number of Open claims under 'Orthopaedic Surgery' and 'Plastic Surgery' Specialities between financial years 2014/15 - 2019/20

Notifications	Clinical_NonClinical	Status_Flag
Y	Clinical	Open

NHSLA_Notification_Year	Number of Claims
<input type="checkbox"/> <b>2014/15</b>	
Orthopaedic Surgery	50
Plastic Surgery	★
<input type="checkbox"/> <b>2015/16</b>	
Orthopaedic Surgery	85
Plastic Surgery	★
<input type="checkbox"/> <b>2016/17</b>	
Orthopaedic Surgery	170
Plastic Surgery	7
<input type="checkbox"/> <b>2017/18</b>	
Orthopaedic Surgery	278
Plastic Surgery	18
<input type="checkbox"/> <b>2018/19</b>	
Orthopaedic Surgery	507
Plastic Surgery	32
<input type="checkbox"/> <b>2019/20</b>	
Orthopaedic Surgery	808
Plastic Surgery	55