



Resolution

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November 2019
FOI_4053

The following information was requested on 25 October 2019:

...orthopaedics at Southport and Ormskirk NHS Trust...we were able to briefly look at the compensation awarded over a 10 year period by the department of orthopaedics in the Trust, and what those categories were. I would like to have a greater look at that data, and taking the top three categories in terms of frequency and compensation, put forward solutions as how we can learn from this/service improvement/education and changing patient pathways if appropriate.

Our Response

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 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](#)

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

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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 and Cost of Claims Closed/Settled within the specialty Orthopaedic Surgery with damages paid between financial years 2010/11 to 2018/19 for Southport and Ormskirk Hospital NHS Trust](#)

[Table 2: Analysis of Primary Injuries for Claims Closed/Settled within the specialty Orthopaedic Surgery with damages paid between financial years 2010/11 to 2018/19 for Southport and Ormskirk Hospital NHS Trust](#)

[Table 3: Analysis of Primary Causes for Claims Closed/Settled within the specialty Orthopaedic Surgery with damages paid between financial years 2010/11 to 2018/19 for Southport and Ormskirk Hospital NHS Trust](#)

Table 1: Number and Cost of Claims Closed/Settled within the specialty Orthopaedic Surgery with damages paid between financial years 2010/11 to 2018/19 for Southport and Ormskirk Hospital NHS Trust

Closed_Settled	Y
Clinical_NonClinical	Clinical
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)	No_of_Claims	Damages Paid
2010/11	#	#
2011/12	#	#
2012/13	#	#
2013/14	6	142,497
2014/15	#	#
2015/16	10	704,627
2016/17	5	114,000
2017/18	5	252,772
2018/19	#	#
Grand Total	39	2,821,233

Table 2: Analysis of Primary Injuries for Claims Closed/Settled within the specialty Orthopaedic Surgery with damages paid between financial years 2010/11 to 2018/19 for Southport and Ormskirk Hospital NHS Trust

Closed_Settled	Y
Clinical_NonClinical	Clinical
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)----- Primary Injury Types	No_of_Claims	Damages Paid
Adtnl/unnecessary Operation(s)	5	323,071
Burn(s)	#	#
Compartment Syndrome	#	#
Fatality	#	#
Fracture	5	121,876
Joint Damage	#	#
Other Infection	#	#
Partial Paralysis	#	#
Poor Outcome - Fractures Etc.	#	#
Scarring	#	#
Spinal Damage	#	#
Tendon Damage	#	#
Thrombosis/Embolism	#	#
Unnecessary Pain	11	249,871
Grand Total	39	2,821,233

Table 3: Analysis of Primary Causes for Claims Closed/Settled within the specialty Orthopaedic Surgery with damages paid between financial years 2010/11 to 2018/19 for Southport and Ormskirk Hospital NHS Trust

Closed_Settled	Y
Clinical_NonClinical	Clinical
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)----- PIR	No_of_Claims	Damages Paid
Equipment Malfunction	#	#
Fail / Delay Treatment	8	1,569,700
Fail To Follow-Up Arrangements	#	#
Fail To Recog. Complication Of	#	#
Fail To Supervise	#	#
Failure To Interpret X-Ray	#	#
Failure/Delay Diagnosis	#	#
Inappropriate Treatment	8	208,746
Intra-Op Problems	5	453,222
Delay In Performing Operation	#	#
Operator Error	#	#
Lack Of Pre-Op Evaluation	#	#
Medication Errors	#	#
Err With Agnt/Dose/Route/Selec	#	#
Perform. Of Op. Not Indicated	#	#
Grand Total	39	2,821,233