



Resolution

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February 2021
FOI_4762

The following information was requested on 7 September 2020:

- 1. Please could you provide me with the total number and the total value of claims paid out by the NHSLA for the financial year 2019/2020 where 'surgical/foreign body left in situ' is one of the grounds for claiming showing damages paid and costs paid.*
- 2. Please also provide the individual amounts of compensation paid for the five biggest awards and please state what the foreign body was?*
- 3. For the last financial year 2019/2020 how much compensation has been paid out in total by the NHSLA as a result of wrong site surgery? (i.e. operating on the right leg instead of the left etc.).*
- 2. For the last financial year 2019/2020 what was the largest single payment made for compensation as a result of wrong site surgery?*
- 3. For the last financial year 2019/2020 what was the total number of claims paid out as a result of compensation for wrong site surgery? Also provide a list giving a brief explanation of each wrong site surgery claim. E.g. wrong eye, wrong knee, wrong kidney etc. Please note that this question refers to claims paid out in 2019/20 regardless of when the claim was lodged or when the incident took place.*

Our Response

Please find attached the requested information for Qs 1s & 3s.

In respect of the two Q2s we are unable to provide this information 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.

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.

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 and Cost of Claims Closed/Settled with damages paid for the financial year 2019/20 relating to surgical/foreign body left in situ](#)

[Table 2: Number and Cost of Claims Closed/Settled with damages paid for the financial year 2019/20 relating to wrong site surgery](#)

Table 1: Number and Cost of Claims Closed/Settled with damages paid for the financial year 2019/20 relating to surgical/foreign body left in situ

Closed_Settled	Y
Clinical_NonClinical	Clinical
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2019/20	151	3,031,073	530,380	2,990,471	6,551,923
Grand Total	151	3,031,073	530,380	2,990,471	6,551,923

Table 2: Number and Cost of Claims Closed/Settled with damages paid for the financial year 2019/20 relating to wrong site surgery

Closed_Settled	Y
Clinical_NonClinical	Clinical
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2019/20					
Other/Unknown	20	154,300	12,032	153,952	320,285
Tooth	16	109,605	15,623	125,009	250,237
Spine	#	#	#	#	#
Arm	#	#	#	#	#
Breast	#	#	#	#	#
Eye	#	#	#	#	#
Fallopian tube	#	#	#	#	#
Foot	#	#	#	#	#
Knee	#	#	#	#	#
Leg	#	#	#	#	#
Back	#	#	#	#	#
Hand	#	#	#	#	#
Chest	#	#	#	#	#
Ovary	#	#	#	#	#
Hip	#	#	#	#	#
Wrist	#	#	#	#	#
Grand Total	64	720,159	86,427	712,396	1,518,983