



Resolution

2nd Floor
151 Buckingham Palace Road
London
SW1W 9SZ
Telephone: 020 7811 2700

February 2021
FOI_4944

The following information was requested on 26 January 2021:

I would like to request the following information in relation to vascular surgery claims in which the cause was wrong site surgery.

- 1. Total number of claims from 2005-2021*
- 2. Total number of successful claims from 2005-2021*
- 3. Total number of unsuccessful claims from 2005-2021*
- 4. Total number of claims currently open from 2005-2021*
- 5. Sum of damages paid to the claimant from 2005-2021*
- 6. Sum of defence from 2005-2021*
- 7. Claimant costs paid from 2005-21*
- 8. Claim Type from 2005-2021*
- 9. Time to settlement from 2005-2021*

Our Response

Please find attached the information we hold. **Please note** there were no unsuccessful claims identified within the dates specified.

In regards to the current volume of open claims – **There are no** open claims within the dates specified.

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/>

TABLE OF CONTENTS

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 Clinical Claims, where the specialty is Vascular Surgery and Primary cause is Wrong Site Surgery, notified between financial years 2005/06 and 2019/20](#)

[Table 2: Number of Successful claims, where the specialty is Vascular Surgery and Primary cause is Wrong Site Surgery, between financial years 2005/06 and 2019/20](#)

[Table 3: Total Value of damages, claimant costs and defence costs of closed/settled claims, where the specialty is Vascular Surgery and Primary cause is Wrong Site Surgery, between financial years 2005/06 and 2019/20](#)

Table 1: Number of Clinical Claims, where the specialty is Vascular Surgery and Primary cause is Wrong Site Surgery, notified between financial years 2005/06 and 2019/20

Notifications	Y
Clinical_NonClinical Scheme	Clinical (All)

Notification Year	No. of Claims
2015/16	#
2016/17	#
2018/19	#
2019/20	#
Grand Total	5

Table 2: Number of Successful claims, where the specialty is Vascular Surgery and Primary cause is Wrong Site Surgery, between financial years 2005/06 and 2019/20

Closed_Settled	Y
Clinical_NonClinical	Clinical
Scheme	(All)
Claim_Outcome_FOI	Damages Paid
Year of Closure (Settlement Year for PPOs)	
	No. of Claims
2006/07	#
2016/17	#
2017/18	#
2018/19	#
2019/20	#
Grand Total	5

Table 3: Total Value of damages, claimant costs and defence costs of closed/settled claims, where the specialty is Vascular Surgery and Primary cause is Wrong Site Surgery, between financial years 2005/06 and 2019/20

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
2006/07	#	#	#	#	#
2016/17	#	#	#	#	#
2017/18	#	#	#	#	#
2018/19	#	#	#	#	#
2019/20	#	#	#	#	#
Grand Total	5	159,250	98,823	201,911	459,984