



## Resolution

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**Telephone:** 020 7811 2700

April 2021

FOI\_4999

The following information was requested on 18 March 2021:

*The information requested is:*

- 1. Total number of claims in Plastic & Reconstructive Surgery from 2004-2020 shown annually*
- 2. Total number of successful claims in Plastic & Reconstructive Surgery from 2004-2020 shown annually*
- 3. Total number of unsuccessful claims in Plastic & Reconstructive Surgery from 2004-2020 shown annually*
- 4. Claims currently open in Plastic & Reconstructive Surgery from 2004-2020 shown annually*
- 5. Sum of damages paid to the claimant in Plastic & Reconstructive Surgery from 2004-2020*
- 6. Sum of defence in Plastic & Reconstructive Surgery from 2004-2020*
- 7. Claimant costs paid in Plastic & Reconstructive Surgery from 2004-2020*
- 8. Claim type in Plastic & Reconstructive Surgery from 2004-2020*
- 9. Time to settlement in Plastic & Reconstructive Surgery from 2004-2020*
- 10. Summary of claim in Plastic & Reconstructive Surgery from 2004-2020 (wrong-site surgery, wrong implant, diagnostic inaccuracy etc)*
- 11. Number of claims settled out of court and number settled in court in Plastic & Reconstructive Surgery from 2004-2020*

### **Our Response**

Please find attached the requested information we are able to provide.

In terms of settled cases the data provided reflects the number of claims settled and paid in each financial year and not the number of claims received in that year by NHS Resolution. Due to the nature of clinical negligence claims and the level of investigation needed to bring them to a resolution, claims received and notified in a specific year may take years to settle.

We are unable to provide the time taken to settle each claim without interrogating individual claims. This exercise would exceed the appropriate limit set under the FOI Act.

We have suppressed low numbers 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 FOI 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 of Clinical Claims (excluding CNSGP and ELSGP) where the Speciality is 'Plastic Surgery' notified between financial years 2004/05 to 2019/20**

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Notifications	
Clinical_NonClinical	Y Clinical
<b>Year of Notification</b>	<b>No. of Claims</b>
2004/05	93
2005/06	77
2006/07	60
2007/08	66
2008/09	69
2009/10	63
2010/11	61
2011/12	62
2012/13	83
2013/14	102
2014/15	103
2015/16	106
2016/17	104
2017/18	88
2018/19	86
2019/20	99
<b>Grand Total</b>	<b>1,322</b>

**Table 2: Number and Costs of Clinical Claims (excluding CNSGP and ELSGP) where the Speciality is 'Plastic Surgery' Closed/Settled with damages paid between financial years 2004/05 to 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 Costs Paid	Total Paid
2004/05	40	1,328,944	260,834	521,472	2,111,251
2005/06	52	1,074,528	263,570	692,740	2,030,838
2006/07	47	1,402,255	261,900	768,561	2,432,716
2007/08	44	834,733	223,493	644,438	1,702,664
2008/09	30	526,340	158,070	525,407	1,209,817
2009/10	38	1,011,724	176,144	879,781	2,067,648
2010/11	37	1,239,586	219,090	920,548	2,379,224
2011/12	48	1,662,118	393,769	1,364,633	3,420,521
2012/13	42	1,237,345	322,263	1,457,828	3,017,436
2013/14	40	1,810,861	408,291	1,801,887	4,021,039
2014/15	47	806,012	251,369	1,069,089	2,126,471
2015/16	57	2,627,453	528,445	2,709,303	5,865,201
2016/17	51	2,969,171	425,932	2,750,288	6,145,391
2017/18	54	1,774,811	374,416	2,284,261	4,433,488
2018/19	65	2,883,165	429,060	2,703,365	6,015,591
2019/20	66	2,838,898	677,008	2,700,354	6,216,260
<b>Grand Total</b>	<b>758</b>	<b>26,027,945</b>	<b>5,373,654</b>	<b>23,793,956</b>	<b>55,195,555</b>

**Table 3: Number of Clinical Claims (excluding CNSGP and ELSGP) where the Speciality is 'Plastic Surgery' Closed/Settled with NIL damages paid between financial years 2004/05 to 2019/20**

Closed_Settled	Y
Clinical_NonClinical	Clinical
Claim_Outcome_FOI	NIL Damages
Year of Closure (Settlement Year for PPOs)	
	No. of Claims
2004/05	43
2005/06	43
2006/07	39
2007/08	29
2008/09	21
2009/10	24
2010/11	17
2011/12	27
2012/13	34
2013/14	36
2014/15	35
2015/16	37
2016/17	38
2017/18	48
2018/19	29
2019/20	29
<b>Grand Total</b>	<b>529</b>

**Table 4: Number of Open Clinical Claims (excluding CNSGP and ELSGP) where the Speciality is 'Plastic Surgery' notified between financial years 2004/05 to 2019/20**

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Status_Flag	Open
Notifications	Y
Clinical_NonClinical	Clinical

Year of Notification	No. of Claims
2011/12	#
2013/14	#
2014/15	#
2015/16	#
2016/17	#
2017/18	16
2018/19	31
2019/20	50

**Table 5: Analysis of Primary Injuries for Successful Clinical Claims (excluding CNSGP and ELSGP) where the Speciality is 'Plastic Surgery' Closed/Settled between financial years 2004/05 to 2019/20**

Closed_Settled	Y
Clinical_NonClinical	Clinical
Claim_Outcome_FOI	Damages Paid

Year of Closure / Settlement ----- Primary Injuries	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Adtnl/unnecessary Operation(s)	203	5,467,221	1,360,988	5,783,313	12,611,522
Amputation - Lower	6	1,808,268	214,731	1,067,733	3,090,733
Amputation - Upper	16	1,112,744	157,617	644,165	1,914,527
Cosmetic Disfigurement	76	1,912,779	475,271	1,892,118	4,280,167
Dental Damage	#	#	#	#	#
Fatality	14	1,834,845	173,332	805,208	2,813,384
Nerve Damage	53	3,931,254	620,079	2,664,793	7,216,126
Other	6	402,863	34,066	492,651	929,581
Other Visual Problems	#	#	#	#	#
Poor Outcome - Fractures Etc.	33	824,481	208,139	842,226	1,874,846
Pressure Sores	11	231,004	51,357	304,423	586,784
Psychiatric/Psychological Dmge	22	849,917	227,068	817,433	1,894,418
Scarring	99	2,038,785	438,412	2,310,876	4,788,073
Unnecessary Pain	77	1,383,952	392,529	1,605,737	3,382,218
Fracture	5	76,750	14,635	110,769	202,154
Perforation	#	#	#	#	#
Tuberculosis	#	#	#	#	#
Tissue Damage	10	155,500	54,107	170,213	379,820
Multiple Injuries	#	#	#	#	#
Other Infection	22	365,131	92,936	505,479	963,546
Bruising/ Extravasation	#	#	#	#	#
Thrombosis/Embolism	#	#	#	#	#
Tendon Damage	13	342,914	71,303	596,731	1,010,948
Infectious Diseases	#	#	#	#	#
Fistula	#	#	#	#	#
Burn(s)	18	217,750	54,852	331,911	604,514
Stroke	#	#	#	#	#
Deafness	#	#	#	#	#
Joint Damage	12	179,030	47,462	272,067	498,559
Unknown	#	#	#	#	#
Hospital Acquired Infection	5	344,000	87,914	207,769	639,684
Cardiac Arrest	#	#	#	#	#
Loss Of/Damage To Breast	13	648,500	203,026	630,975	1,482,500
Limb Deformity	#	#	#	#	#
Partial Hearing Loss	#	#	#	#	#
Malignant Tumour	#	#	#	#	#
Anaphylact Shock/Allergic Shock/allergy	#	#	#	#	#
Cystic Growth	#	#	#	#	#
Cancer	6	96,015	23,842	157,000	276,857
Addiction/Dependency	#	#	#	#	#
Advanced Stage Cancer	#	#	#	#	#
Facial Injuries	#	#	#	#	#
Compartment Syndrome	#	#	#	#	#
Scalp Damage	#	#	#	#	#
Reduced Life Expectancy	#	#	#	#	#
<b>Grand Total</b>	<b>758</b>	<b>26,027,945</b>	<b>5,373,654</b>	<b>23,793,956</b>	<b>55,195,555</b>



**Table 6: Analysis of Primary Causes for Successful Clinical Claims (excluding CNSGP and ELSGP) where the Speciality is 'Plastic Surgery' Closed/Settled between financial years 2004/05 to 2019/20**

Closed_Settled	Y
Clinical_NonClinical	Clinical
Claim_Outcome_FOI	Damages Paid

Year of Closure / Settlement ----- Primary Causes	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Equipment Malfunction	5	50,750	2,915	102,198	155,863
Fail / Delay Treatment	121	3,279,542	841,068	3,724,964	7,845,574
Fail To Carry Out PO Observs.	10	202,150	74,875	147,731	424,755
Fail To Follow-Up Arrangements	8	153,950	22,032	77,553	253,535
Fail To Recog. Complication Of	26	822,756	287,733	1,007,674	2,118,164
Fail To Supervise	#	#	#	#	#
Fail To Warn-Informed Consent	82	4,128,378	1,124,440	3,953,168	9,205,986
Failure To Interpret X-Ray	6	97,285	8,668	63,926	169,879
Failure To Perform Operation	6	39,066	21,345	108,150	168,561
Failure/Delay Diagnosis	55	2,724,317	347,063	2,005,622	5,077,003
Inadequate Monitoring Intra-Op	8	307,500	74,200	363,720	745,420
Inadequate Nursing Care	18	454,890	31,238	357,481	843,610
Inadqte Monitor In Recov Room	#	#	#	#	#
Inappropriate Treatment	52	1,802,462	419,928	1,888,748	4,111,137
Intra-Op Problems	107	4,222,602	797,052	3,438,716	8,458,369
Lack Of Assistance/Care	10	199,250	76,244	253,500	528,994
Lack Of Facilities/Equipment	#	#	#	#	#
Other	#	#	#	#	#
Delay In Performing Operation	12	192,900	39,412	179,401	411,713
Operator Error	49	1,140,246	214,254	1,274,899	2,629,399
Not Specified	#	#	#	#	#
Foreign Body Left In Situ	27	295,097	126,660	455,665	877,422
Inapprop. Case Selection	#	#	#	#	#
Lack Of Pre-Op Evaluation	7	1,567,500	200,940	767,218	2,535,658
Retained Instrument Post-Operation	11	44,147	7,122	47,400	98,669
Fail To Act On Abnorm Test Res	#	#	#	#	#
Wrong Diagnosis	8	877,786	83,355	369,250	1,330,391
Fail/Delay Referring To Hosp.	#	#	#	#	#
Failed Infection Control Policy/Hospital Hygiene	#	#	#	#	#
Medication Errors	5	69,678	25,763	89,068	184,509
Inapp Use Of Forceps/Ventouse	#	#	#	#	#
Err With Agnt/Dose/Route/Selec	12	272,339	53,675	210,916	536,930
Perform. Of Op. Not Indicated	12	376,974	100,325	381,524	858,824
Diathermy Burns/react. To Prep	10	137,206	27,566	163,770	328,542
Failure To Perform Tests	8	143,425	7,655	137,592	288,672
Bacterial Infection	9	61,413	12,954	110,517	184,885
Inappropriate Discharge	5	151,000	32,167	123,427	306,593
Fail To Infrm Test Rslts	#	#	#	#	#
Failure To X-Ray	#	#	#	#	#
Wrong Site Surgery	25	231,311	26,256	255,179	512,745
Incorrect Injection Site	#	#	#	#	#
Cross Infection	#	#	#	#	#
Improp. Delegation To Junior	#	#	#	#	#
Unknown	#	#	#	#	#
Re-Canalisation	#	#	#	#	#
Injured By Another Patient	#	#	#	#	#
Burns/Scalds	#	#	#	#	#
Sexual Abuse	#	#	#	#	#
<b>Grand Total</b>	<b>758</b>	<b>26,027,945</b>	<b>5,373,654</b>	<b>23,793,956</b>	<b>55,195,555</b>

**Table 7: Number and Costs of Clinical Claims (excluding CNSGP and ELSGP) where the Speciality is 'Plastic Surgery' by Outcome Closed/Settled between financial years 2004/05 to 2019/20**

Outcome	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Costs Paid	Total Paid
	#	#	#	#	#
Judgment for Defendant (NHS)					
Litigated no trial	445	17,857,228	4,953,183	16,633,708	39,444,120
Not Litigated	834	7,904,024	1,238,498	6,540,720	15,683,242
Judgment for Claimant	6	171,825	361,632	388,685	922,143
<b>Grand Total</b>	<b>1,287</b>	<b>26,027,945</b>	<b>6,629,540</b>	<b>23,814,114</b>	<b>56,471,598</b>