



Resolution

8th Floor,
10 South Colonnade
Canary Wharf
London
E14 4PU
Telephone: 020 7811 2700

April 2021
FOI_5004

The following information was requested on 29 March 2021:

I'm planning on writing an academic paper regarding medicolegal claims in General Surgery over the last 10 years or so, and I understand you are part of the team to contact in order to obtain records for this in England....

I'm attempting to obtain the 2010-2020 (inclusive) data for general surgery medicolegal claims against the NHS in England. Obviously I don't need specific identifying details; only the basic operation /circumstances, age, claim details, outcome / payout. That sort of data. The aim is to publish a reasonably contemporaneous retrospective review of the common operations and complications or other reasons for medicolegal claims to be brought against the NHS, so that we may publish in a peer reviewed medical journal and attempt to raise awareness +/- change practice if possible with this knowledge in mind.

Our Response

Please find attached the requested information.

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/>

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 General Surgery Claims received between financial years 2010/11 - 2019/20](#)

[Table 2: Number and Cost of General Surgery Claims Closed/Settled with damages paid between financial years 2010/11 - 2019/20](#)

[Table 3: Number of General Surgery Claims Closed without damages paid between financial years 2010/11 - 2019/20](#)

[Table 4: Analysis of Primary Causes for General Surgery Claims Closed/Settled with damages paid between financial years 2010/11 - 2019/20](#)

[Table 5: Analysis of Primary Injuries for General Surgery Claims Closed/Settled with damages paid between financial years 2010/11 - 2019/20](#)

[Table 6: Open General Surgery Claims between financial years 2010/11 - 2019/20](#)

Table 1: Number of General Surgery Claims received between financial years 2010/11 - 2019/20

Notifications	Y
Clinical_NonClinical	(All)

Notification Year	No. of Claims
2010/11	872
2011/12	937
2012/13	1,107
2013/14	1,361
2014/15	1,188
2015/16	933
2016/17	846
2017/18	928
2018/19	923
2019/20	932
Grand Total	10,027

Table 2: Number and Cost of General Surgery Claims Closed/Settled with damages paid between financial years 2010/11 - 2019/20

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs	Total Paid
2010/11	601	41,165,807	5,886,939	20,983,258	68,036,003
2011/12	554	40,857,157	4,252,746	19,922,484	65,032,387
2012/13	535	42,905,478	4,469,804	21,579,199	68,954,481
2013/14	575	44,110,288	4,976,456	23,733,761	72,820,505
2014/15	552	40,653,935	4,733,145	25,057,760	70,444,840
2015/16	592	39,318,825	5,975,032	30,613,883	75,907,740
2016/17	715	61,946,091	9,115,134	48,371,060	119,432,285
2017/18	685	51,386,219	7,999,161	36,960,173	96,345,552
2018/19	597	59,908,947	7,703,068	32,961,751	100,573,766
2019/20	678	61,290,361	8,855,133	34,260,011	104,405,505
Grand Total	6,084	483,543,107	63,966,619	294,443,339	841,953,065

Table 3: Number of General Surgery Claims Closed without damages paid between financial years 2010/11 - 2019/20

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	NIL Damages

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2010/11	202	0	764,191	2,288	753,978
2011/12	234	0	503,394	226	503,621
2012/13	251	0	658,666	32,150	690,816
2013/14	265	0	543,894	0	543,894
2014/15	366	0	871,916	20,590	892,506
2015/16	331	0	928,166	77,184	1,005,350
2016/17	333	0	1,033,477	9,486	1,030,698
2017/18	693	0	1,593,976	4,800	1,598,776
2018/19	342	0	1,396,141	2,622	1,398,762
2019/20	276	0	1,170,095	21,554	1,187,466
Grand Total	3,293	0	9,463,914	170,900	9,605,865

Table 4: Analysis of Primary Causes for General Surgery Claims Closed/Settled with damages paid between financial years 2010/11 - 2019/20

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid

----- Primary Causes	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Equipment Malfunction	34	3,532,891	253,795	1,406,664	5,193,350
Fail / Delay Treatment	1,148	99,791,854	13,471,147	63,230,136	176,493,137
Fail To Carry Out PO Observs.	44	3,652,628	723,803	2,944,104	7,320,535
Fail To Follow-Up Arrangements	65	4,444,335	710,831	2,589,979	7,745,144
Fail To Recog. Complication Of	290	24,987,037	4,073,709	17,252,648	46,313,394
Fail To Supervise	26	513,371	93,398	493,187	1,099,956
Fail To Warn-Informed Consent	247	18,711,947	3,068,772	13,829,363	35,610,081
Failure To Interpret X-Ray	20	941,271	85,687	555,936	1,582,894
Failure To Perform Operation	74	3,317,967	486,105	2,665,572	6,469,644
Failure/Delay Diagnosis	803	87,856,227	11,282,879	49,135,594	148,274,700
Inadequate Monitoring Intra-Op	44	2,815,722	565,486	2,360,153	5,741,362
Inadequate Nursing Care	255	8,425,687	1,325,727	6,711,530	16,462,944
Inadqte Monitor In Recov Room	6	5,199,160	258,648	853,350	6,311,158
Inappropriate Treatment	546	38,962,413	5,258,748	22,070,405	66,291,566
Intra-Op Problems	856	88,522,088	10,798,278	49,402,965	148,723,330
Lack Of Assistance/Care	55	1,398,252	234,563	1,356,999	2,989,814
Lack Of Facilities/Equipment	8	123,397	23,627	101,041	248,066
Other	34	1,411,367	193,258	925,575	2,530,200
Delay In Performing Operation	134	16,050,851	2,036,219	9,049,054	27,136,124
Operator Error	331	23,111,378	2,533,766	13,867,885	39,513,030
Not Specified	#	#	#	#	#
Fail/Delay Admitting To Hosp.	#	#	#	#	#
Infusion Problems	9	177,695	64,688	188,176	430,559
Foreign Body Left In Situ	199	3,885,710	539,485	4,033,447	8,458,641
Failed Sterilisation	9	161,575	45,028	251,104	457,707
Inapprop. Case Selection	6	578,213	69,400	261,100	908,713
Application Of Excess Force	7	181,625	29,001	132,800	343,426
Lack Of Pre-Op Evaluation	22	2,926,778	475,002	1,511,802	4,913,582
Retained Instrument Post-Operation	34	733,256	43,811	441,018	1,218,085
Fail To Act On Abnorm Test Res	64	4,961,440	407,034	2,551,567	7,920,041
Wrong Diagnosis	50	1,534,512	266,805	1,671,949	3,473,266
Fail/Delay Referring To Hosp.	8	2,667,745	157,490	427,050	3,252,285
Failed Infection Control Policy/Hospital Hygiene	110	2,685,815	354,640	2,021,413	5,061,868
Fail Mon Dose/rate Syntocinon	#	#	#	#	#
Fail To Interpret USS	5	619,903	78,139	416,624	1,114,665
Medication Errors	74	1,600,897	354,812	1,918,548	3,874,257
Err With Agnt/Dose/Route/Selec	38	3,533,025	262,881	1,721,187	5,517,093
Perform. Of Op. Not Indicated	58	4,628,375	667,070	2,745,200	8,040,645
Diathermy Burns/react. To Prep	74	1,785,429	205,830	1,505,796	3,497,055
Failure To Perform Tests	80	5,471,410	927,966	4,688,315	11,087,691
Bacterial Infection	24	1,813,701	329,743	1,024,808	3,168,252
Inappropriate Discharge	41	3,530,298	479,010	2,285,126	6,294,435
Fail/Delay Avail Op Thtre	#	#	#	#	#
Unexpected Death	8	617,750	72,491	391,370	1,081,611
Intubation Problems	#	#	#	#	#
Premature Ceasure Of Treatment	#	#	#	#	#
Fail To Infrm Test Rslts	14	256,334	62,627	236,975	555,937
Failure To X-Ray	8	136,158	12,152	116,143	264,453
Wrong Site Surgery	48	1,929,036	131,589	947,614	3,008,239
Incorrect Injection Site	10	154,999	60,733	415,659	631,391
Removal & Retention Of Organs	#	#	#	#	#
Cross Infection	7	162,400	35,021	175,677	373,099

Table 4: Analysis of Primary Causes for General Surgery Claims Closed/Settled with damages paid between financial years 2010/11 - 2019/20

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid

----- Primary Causes	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Improp. Delegation To Junior	#	#	#	#	#
Probs With Medical Records	6	180,000	34,438	158,700	373,138
MisplacedNaso/OrogastricTubeNotDet	#	#	#	#	#
Re-Canalisation	#	#	#	#	#
Injured By Another Patient	5	111,000	3,940	64,047	178,987
Assault, Etc By Hospital Staff	14	536,727	61,056	288,562	886,345
Problem Blood Fluids	#	#	#	#	#
Sexual Abuse	#	#	#	#	#
Tooth Inj & Patient Posit Prob	#	#	#	#	#
Fell into From Object	#	#	#	#	#
Grand Total	6,084	483,543,107	63,966,619	294,443,339	841,953,065

Table 5: Analysis of Primary Injuries for General Surgery Claims Closed/Settled with damages paid between financial years 2010/11 - 2019/20

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid

----- Primary Injury Types	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Bruising/ Extravasation	24	260,159	58,010	368,839	687,007
Fatality	690	58,488,601	7,527,265	36,091,143	102,107,009
Psychiatric/Psychological Dmge	169	5,186,208	783,916	4,608,294	10,578,418
Unnecessary Pain	939	33,135,740	5,527,047	28,436,822	67,099,610
Other	75	4,757,309	541,305	2,568,553	7,867,167
Wrongful Birth	#	#	#	#	#
Scarring	118	2,506,223	469,056	2,877,658	5,852,937
Adtnl/unnecessary Operation(s)	1,223	75,856,259	11,696,335	54,383,750	141,936,343
Bladder Damage	69	4,869,292	789,514	3,671,759	9,330,564
Infertility	18	2,035,328	261,372	1,406,366	3,703,066
Brain Damage	23	23,268,873	1,664,324	5,983,954	30,917,151
Loss Of Baby	#	#	#	#	#
Rupture	14	1,944,143	106,952	575,479	2,626,574
Incontinence	26	4,626,306	501,729	1,893,688	7,021,723
Nerve Damage	138	14,833,051	2,330,015	8,983,838	26,146,904
Fistula	32	3,878,312	493,193	2,062,238	6,433,743
Cardiac Arrest	28	1,817,663	368,615	1,544,717	3,730,995
Bowel Damage/ Dysfunction	441	69,474,336	8,047,018	35,956,340	113,477,694
Other Infection	112	5,494,443	954,557	4,824,072	11,273,073
Burn(s)	92	978,848	136,648	1,044,599	2,160,095
Unwanted Pregnancy	#	#	#	#	#
Erb's Palsy	#	#	#	#	#
Respiratory Disorder/ Failure	9	371,771	55,161	287,151	714,082
Removal Of Cervix	#	#	#	#	#
Deafness	#	#	#	#	#
Cosmetic Disfigurement	50	1,804,654	302,416	1,616,117	3,723,186
Tissue Damage	33	725,096	125,653	869,425	1,720,174
Failed Sterilization	#	#	#	#	#
Amputation - Upper	10	1,836,269	195,687	830,228	2,862,184
Perforation	166	13,674,319	2,177,735	9,456,816	25,308,870
Removal Of Testicle	46	1,062,942	235,151	1,395,848	2,693,940
Limb Deformity	#	#	#	#	#
Hernia	57	1,923,793	522,011	2,164,007	4,609,810
Amputation - Lower	42	8,473,813	1,183,487	3,716,711	13,374,011
Dental Damage	13	60,175	8,438	80,150	148,763
Bile Duct Damage	208	21,737,202	2,206,842	11,421,822	35,365,865
Joint Damage	6	1,094,000	105,557	368,737	1,568,294
Renal Damage/ Failure	30	2,491,189	416,283	1,954,537	4,862,009
Cancer	137	13,156,374	1,670,895	7,876,602	22,703,871
Reduced Life Expectancy	19	1,498,319	154,829	894,116	2,547,264
Loss Of Kidney	9	818,368	155,825	850,957	1,825,150

Table 5: Analysis of Primary Injuries for General Surgery Claims Closed/Settled with damages paid between financial years 2010/11 - 2019/20

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid

----- Primary Injury Types	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Pressure Sores	136	4,484,670	609,423	3,835,548	8,929,640
Advanced Stage Cancer	99	7,980,583	954,534	5,642,527	14,577,644
Poor Outcome - Fractures Etc.	178	14,334,271	1,597,461	5,075,938	21,007,670
Malnutrition	5	100,855	23,526	203,657	328,038
Fracture	59	1,849,089	304,005	1,706,502	3,859,596
Thrombosis/Embolism	54	1,446,710	342,795	1,785,542	3,575,047
Hospital Acquired Infection	38	3,548,217	492,883	1,979,797	6,020,897
Hemiparesis	#	#	#	#	#
Stroke	15	6,267,572	441,630	1,660,488	8,369,689
Dislocation	#	#	#	#	#
Peritonitis	80	7,070,248	1,064,631	5,234,358	13,369,237
Anaphylact Shock/Allergic Shock/allergy	16	83,718	11,248	139,192	234,158
Not Specified	6	257,823	67,648	205,469	530,941
Anaesthetic	#	#	#	#	#
Anal Fissure	8	1,008,517	301,285	1,823,431	3,133,233
Foot Drop	10	810,693	309,180	1,218,500	2,338,373
Arterial Damage	12	1,317,704	211,797	1,098,056	2,627,557
Blindness	5	3,874,352	264,884	825,356	4,964,592
Liver Damage	27	3,529,696	619,011	1,724,870	5,873,577
Tendon Damage	8	280,676	62,252	257,001	599,929
Benign Tumour	#	#	#	#	#
Multiple Injuries	24	4,697,174	461,623	1,975,024	7,133,822
Spinal Damage	9	1,781,770	403,832	1,468,844	3,654,445
Cardiovascular Condition	8	430,017	127,458	682,141	1,239,615
Compartment Syndrome	13	6,333,338	542,715	2,254,906	9,130,959
Paraplegia	7	11,815,845	512,216	3,442,055	15,770,116
Multiple Disabilities	5	1,590,000	305,519	689,929	2,585,448
Loss Of Sexual Function	#	#	#	#	#
Impotence	7	509,587	90,751	321,216	921,554
Loss Of Lung	#	#	#	#	#
Other Visual Problems	7	164,085	45,930	205,510	415,525
Epilepsy	5	478,000	100,971	374,258	953,229
Loss Of/Damage To Breast	61	3,101,784	508,160	1,859,390	5,469,334
Malignant Tumour	12	793,682	131,179	459,912	1,384,773
Infectious Diseases	19	2,295,679	323,118	1,290,017	3,908,814
Scalp Damage	#	#	#	#	#
Removal Of Fallopian Tube	6	134,250	13,098	132,200	279,548
Ulcerative Colitis	#	#	#	#	#
Partial Hearing Loss	#	#	#	#	#
Unknown	#	#	#	#	#
Lung Disease	#	#	#	#	#

Table 5: Analysis of Primary Injuries for General Surgery Claims Closed/Settled with damages paid between financial years 2010/11 - 2019/20

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid

----- Primary Injury Types	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Oedema	#	#	#	#	#
Thyroid Condition	5	143,682	87,224	125,428	356,335
Aneurysm	7	425,000	90,797	592,264	1,108,061
Vocal Cord Damage	7	1,856,738	243,067	622,625	2,722,430
Viral Infection	#	#	#	#	#
Pacemaker Installation	#	#	#	#	#
Orthopaedic Injuries	#	#	#	#	#
Addiction/Dependency	#	#	#	#	#
Cystic Growth	#	#	#	#	#
Osteoporosis	#	#	#	#	#
Partial Paralysis	#	#	#	#	#
Sexual Abuse	#	#	#	#	#
Grand Total	6,084	483,543,107	63,966,619	294,443,339	841,953,065

Table 6: Open General Surgery Claims between financial years 2010/11 - 2019/20

Clinical_NonClinical Claim_Outcome_FOI	(All) Open
	No. of Claims
	1,846
Grand Total	1,846