



Resolution

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FOI_5044

The following information was requested on 28 April 2021:

I would like data on medico-legal claims made in respect of neurosurgical conditions in patients under 18 years old over the last 10 years. This would include (but not restricted to) clinical negligence and personal injury claims. I would be grateful for a breakdown, year by year, to look at trends and get an understanding of the nature/reason for the claims.

Our Response

Please find attached the information we are able to provide in respect of the specialty Neurosurgery. This information only covers England and not the rest of the UK.

Please note claims notified and open are not guaranteed to be settled in the same year and can take many years to be concluded. Claims notified in any given year will often relate to incidents that have occurred many years prior. Claims closed and settled in one year will often relate to claims notified in different years. Many of the claims notified will have been repudiated and settled without damages paid.

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.

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 Claims notified between financial years 2010/11 to 2019/20 for the Specialty Neurosurgery where the injured party is under 18 years old at the time of incident

Notifications	Y
FOI_Specialty	Neurosurgery

Year of Notification	No. of Claims
2010/11	7
2011/12	9
2012/13	6
2013/14	6
2014/15	11
2015/16	9
2016/17	7
2017/18	7
2018/19	7
2019/20	7
Grand Total	76

Table 2: Number of Claims Closed/Settled with damages paid between financial years 2010/11 to 2019/20 for the Specialty Neurosurgery where the injured party is under 18 years old at the time of incident

Closed_Settled	Y
Claim_Outcome_FOI	Damages Paid
FOI_Specialty	Neurosurgery
Year of Closure (Settlement Year for PPOs)	
	No. of Claims
2010/11	5
2011/12	6
2013/14	#
2014/15	#
2015/16	#
2016/17	10
2017/18	#
2018/19	#
2019/20	5
Grand Total	39

Table 3: Number of Claims Closed/Settled with NIL damages paid between financial years 2010/11 to 2019/20 for the Specialty Neurosurgery where the injured party is under 18 years old at the time of incident

Year of Closure (Settlement Year for PPOs)	No. of Claims
Closed_Settled	Y
Claim_Outcome_FOI	NIL Damages
FOI_Specialty	Neurosurgery
2010/11	#
2011/12	#
2012/13	#
2013/14	#
2014/15	#
2015/16	#
2016/17	6
2017/18	#
2018/19	#
2019/20	#
Grand Total	26

Table 4: Analysis of Primary Injuries for Successful Claims Closed/Settled between financial years 2010/11 to 2019/20 for the Specialty Neurosurgery where the injured party is under 18 years old at the time of incident

Closed_Settled	Y
Claim_Outcome_FOI	Damages Paid
FOI_Specialty	Neurosurgery

Year of Closure (Settlement Year for PPOs)	
----- Primary Injuries	No. of Claims
2010/11	5
Fatality	#
Nerve Damage	#
Paraplegia	#
Brain Damage	#
2011/12	6
Fatality	#
Not Specified	#
Brain Damage	#
Blindness	#
2013/14	#
Brain Damage	#
2014/15	#
Nerve Damage	#
Brain Damage	#
Blindness	#
2015/16	#
Other	#
Brain Damage	#
2016/17	10
Fatality	#
Nerve Damage	#
Unnecessary Pain	#
Fracture	#
Multiple Injuries	#
Brain Damage	#
Blindness	#
2017/18	#
Adtnl/unnecessary Operation(s)	#
Bruising/ Extravasation	#
Blindness	#
2018/19	#
Adtnl/unnecessary Operation(s)	#
Unnecessary Pain	#
Brain Damage	#
2019/20	5
Fatality	#
Other Infection	#
Brain Damage	#
Grand Total	39

Table 5: Analysis of Primary Causes for Successful Claims Closed/Settled between financial years 2010/11 to 2019/20 for the Specialty Neurosurgery where the injured party is under 18 years old at the time of incident

Closed_Settled	Y
Claim_Outcome_FOI	Damages Paid
FOI_Specialty	(All)

Year of Closure (Settlement Year for PPOs)	
----- Primary Causes	No. of Claims
2010/11	5
Fail / Delay Treatment	#
Failure/Delay Diagnosis	#
2011/12	6
Fail / Delay Treatment	#
Failure/Delay Diagnosis	#
Not Specified	#
2013/14	#
Failure/Delay Diagnosis	#
2014/15	#
Fail / Delay Treatment	#
Failure/Delay Diagnosis	#
2015/16	#
Fail / Delay Treatment	#
Failure/Delay Diagnosis	#
2016/17	10
Fail / Delay Treatment	5
Failure/Delay Diagnosis	#
Inadequate Nursing Care	#
Inappropriate Treatment	#
Wrong Diagnosis	#
2017/18	#
Fail / Delay Treatment	#
Fail To Follow-Up Arrangements	#
Infusion Problems	#
2018/19	#
Fail / Delay Treatment	#
Fail To Warn-Informed Consent	#
Wrong Site Surgery	#
2019/20	5
Fail / Delay Treatment	#
Inappropriate Treatment	#
Medication Errors	#
Perform. Of Op. Not Indicated	#
Grand Total	39

Table 6: Number of current open claims for the Specialty Neurosurgery where the injury party is under 18 years old at the time of incident

Notifications	Y
Status_Flag	Open

No. of Claims
45