



Resolution

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Telephone: 020 7811 2700

August 2021
FOI_5142

The following information was requested on 5 August 2021:

1. *Please advise if the claim category: Perform. Of Op. Not Indicated relates to claims concerning unnecessary operations that have been performed on patients.*
2. *If the category does indeed relate to claims concerning unnecessary operations performed on patients please can I have the data specified below:*
 - *How many clinical negligence claims concerning the above were notified to you between the financial years 2015/16 to 2020/21? Please provide the figure for each year.*
 - *How many claims concerning the above settled with compensation paid between the financial years 2015/16 to 2020/21?*

Our Response

In response to Q1 of your request we can confirm that the cause *Perform. Of Op. Not Indicated* does relate to unnecessary operations.

In response to Q2 please find attached the requested information. This information only covers England and not the rest of the UK.

Please note claims notified/received and open are not guaranteed to be settled in the same year and can take many years to be concluded. Claims notified/received in any given year will often relate to incidents that have occurred many years prior. 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.

Many of the claims notified will have been repudiated and settled without damages paid.

In table 2 the data shows an increase in damages paid in relation to claims closed in the financial year 2019/20. This is a reflection of the nature of individual claims received by NHS Resolution which can vary significantly. As such these fluctuations cannot be interpreted as trends. The data provided in table 2 reflects the number of

claims closed in each financial year (or settled with a periodical payment order) with damages paid and not the number of claims received in that year by NHS Resolution.

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 Claims received between financial years 2015/16 to 2020/21 where the cause was Perform. Of Op. Not Indicated](#)

[Table 2: Number of claims where the cause was Perform. Of Op. Not Indicated closed between 2015/16 to 2020/21 with a damages payment \(includes the damages paid to date for any claims settled on a periodical payment order basis\)](#)

Table 1: Number of Claims received between financial years 2015/16 to 2020/21 where the cause was Perform. Of Op. Not Indicated

Notifications	Y
Clinical_NonClinical	Clinical

Year of Notification	No. of Claims
2015/16	85
2016/17	54
2017/18	51
2018/19	23
2019/20	28
2020/21	52
Grand Total	293

Table 2: Number of claims where the cause was Perform. Of Op. Not Indicated closed between 2015/16 to 2020/21 with a damages payment (includes the damages paid to date for any claims settled on a periodical payment order basis)

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
2015/16	28	4,165,482	391,207	1,829,677	6,386,365
2016/17	44	3,552,521	544,999	2,374,294	6,471,814
2017/18	53	4,760,859	620,587	2,810,208	8,191,654
2018/19	39	1,876,214	498,740	1,870,031	4,244,985
2019/20	40	6,843,830	715,653	2,185,228	9,744,711
2020/21	32	3,712,802	650,079	2,219,544	6,582,424
Grand Total	236	24,911,707	3,421,265	13,288,982	41,621,954