



Resolution

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September 2021
FOI_5162

The following information was requested on 23 August 2021:

RE: [FOI 4162 - General surgery claims under age of 16](#)

Table 4 and 5 can this data please be provided as a continuous data set rather than an annual breakdown?

Our Response

Please find attached the requested information.

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(3A)(a) 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/>

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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.

[Table 1: Analysis of Primary Injuries for Claims Closed/Settled with damages paid between financial years 2003/04 and 2017/18 under the specialty General Surgery where the age at incident is 16 and under.](#)

[Table 2: Analysis of Primary Causes for Claims Closed/Settled with damages paid between financial years 2003/04 and 2017/18 under the specialty General Surgery where the age at incident is 16 and under.](#)

Table 1: Analysis of Primary Injuries for Claims Closed/Settled with damages paid between financial years 2003/04 and 2017/18 under the specialty General Surgery where the age at incident is 16 and under.

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)----- Primary Injury Types	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Fatality	12	447,232	84,286	406,510	938,028
Poor Outcome - Fractures Etc.	#	#	#	#	#
Psychiatric/Psychological Dmge	13	944,000	156,708	663,079	1,763,787
Unnecessary Pain	53	1,369,842	350,294	1,470,770	3,190,906
Removal Of Testicle	12	139,297	35,869	198,984	374,151
Adtnl/unnecessary Operation(s)	67	3,718,235	406,982	1,707,817	5,833,034
Burn(s)	14	118,659	23,831	179,395	321,885
Renal Damage/ Failure	#	#	#	#	#
Vocal Cord Damage	#	#	#	#	#
Scarring	16	244,598	45,464	236,233	526,296
Infertility	8	416,678	118,143	403,201	938,021
Cerebral Palsy	#	#	#	#	#
Brain Damage	#	#	#	#	#
Bladder Damage	5	215,500	67,709	225,000	508,209
Bowel Damage/ Dysfunction	13	769,236	199,974	729,026	1,698,237
Cosmetic Disfigurement	7	97,736	27,535	136,774	262,044
Perforation	8	139,324	62,090	206,810	408,224
Infectious Diseases	#	#	#	#	#
Paraplegia	#	#	#	#	#
Peritonitis	5	135,520	45,485	118,789	299,793
Deafness	#	#	#	#	#
Liver Damage	#	#	#	#	#
Tissue Damage	#	#	#	#	#
Other Infection	5	68,107	27,226	163,057	258,390
Joint Damage	#	#	#	#	#
Nerve Damage	6	647,500	85,863	268,500	1,001,863
Tendon Damage	#	#	#	#	#
Pressure Sores	#	#	#	#	#
Compartment Syndrome	#	#	#	#	#
Arterial Damage	#	#	#	#	#
Other	#	#	#	#	#
Loss Of/Damage To Breast	#	#	#	#	#
Unknown	#	#	#	#	#
Fistula	#	#	#	#	#
Cancer	#	#	#	#	#
Dental Damage	#	#	#	#	#
Thyroid Condition	#	#	#	#	#
Grand Total	279	26,767,881	2,430,842	9,075,957	38,274,679

Table 2: Analysis of Primary Causes for Claims Closed/Settled with damages paid between financial years 2003/04 and 2017/18 under the specialty General Surgery where the age at incident is 16 and under.

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs) Pim:	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Equipment Malfunction	#	#	#	#	#
Fail / Delay Treatment	52	5,775,000	597,251	2,490,037	8,862,288
Fail To Carry Out PO Observs.	#	#	#	#	#
Fail To Follow-Up Arrangements	#	#	#	#	#
Fail To Recog. Complication Of	16	464,544	117,711	368,048	950,303
Fail To Warn-Informed Consent	9	293,032	66,781	229,550	589,363
Failure To Perform Operation	7	70,250	9,861	80,800	160,911
Failure/Delay Diagnosis	52	8,440,627	759,631	2,504,744	11,705,002
Inadequate Monitoring Intra-Op	#	#	#	#	#
Inadequate Nursing Care	5	97,500	5,652	64,371	167,522
Inadqte Monitor In Recov Room	#	#	#	#	#
Inappropriate Treatment	19	698,163	149,045	624,306	1,471,514
Intra-Op Problems	35	1,182,506	241,201	765,412	2,189,120
Lack Of Assistance/Care	5	63,250	9,013	87,625	159,888
Other	#	#	#	#	#
Poor Application Of Plstr Cast	#	#	#	#	#
Delay In Performing Operation	6	168,793	17,814	79,552	266,159
Operator Error	8	202,492	21,763	286,960	511,216
Fail/Delay Admitting To Hosp.	#	#	#	#	#
Foreign Body Left In Situ	8	70,927	33,461	118,519	222,907
Application Of Excess Force	#	#	#	#	#
Lack Of Pre-Op Evaluation	#	#	#	#	#
Retained Instrument Post-Operation	5	156,906	15,183	36,575	208,664
Fail To Act On Abnorm Test Res	#	#	#	#	#
Wrong Diagnosis	#	#	#	#	#
Failed Infection Control Policy/Hospital Hygiene	#	#	#	#	#
Err With Agnt/Dose/Route/Selec	#	#	#	#	#
Perform. Of Op. Not Indicated	#	#	#	#	#
Diathermy Burns/react. To Prep	9	123,604	16,356	158,484	298,443
Failure To Perform Tests	5	78,000	38,172	83,568	199,740
Inappropriate Discharge	#	#	#	#	#
Unexpected Death	#	#	#	#	#
Failure To X-Ray	#	#	#	#	#
Wrong Site Surgery	#	#	#	#	#
Improp. Delegation To Junior	#	#	#	#	#
Assault, Etc By Hospital Staff	#	#	#	#	#
Grand Total	279	26,767,881	2,430,842	9,075,957	38,274,679