



Resolution

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September 2021
FOI_5163

The following information was requested on 23 August 2021:

RE: [FOI 3851](#) please can we have the data for tables 4 and 5 (cause and injury data) in one continuous table, amalgamated for all the years. Separated tables by the specialty Orthopaedic surgery and Paediatric surgery. This will give us better data per code.

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

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

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid
Closure_Year_or_PPOs_Settlement_Year	(Multiple Items)

Primary Cause	No_of_Claims	Damages Paid	Defence Costs Paid	Claimant Costs Paid	Total Paid
Orthopaedic Surgery	728	74,425,906	8,668,652	27,823,960	110,918,518
Equipment Malfunction	#	#	#	#	#
Fail / Delay Treatment	125	9,697,227	1,358,413	5,130,654	16,186,294
Fail To Carry Out PO Observs.	8	123,503	37,152	164,349	325,004
Fail To Follow-Up Arrangements	13	417,608	106,211	379,726	903,545
Fail To Recog. Complication Of	36	6,509,329	861,918	2,395,515	9,766,762
Fail To Warn-Informed Consent	7	2,508,119	266,098	691,383	3,465,600
Failure To Interpret X-Ray	26	1,358,773	219,019	491,773	2,069,565
Failure To Perform Operation	13	3,054,556	217,939	716,166	3,988,662
Failure/Delay Diagnosis	200	18,606,586	2,638,517	8,217,008	29,462,111
Inadequate Monitoring Intra-Op	6	90,770	28,321	72,531	191,622
Inadequate Nursing Care	9	326,452	37,666	123,552	487,670
Inappropriate Treatment	53	2,889,633	468,666	1,753,239	5,111,538
Intra-Op Problems	64	16,980,327	977,600	2,703,621	20,661,548
Lack Of Assistance/Care	13	72,000	26,729	120,889	219,617
Lack Of Facilities/Equipment	#	#	#	#	#
Other	#	#	#	#	#
Poor Application Of Plstr Cast	18	161,922	54,259	195,080	411,260
Delay In Performing Operation	12	478,423	135,273	330,787	944,482
Operator Error	22	979,277	217,917	636,073	1,833,267
Foreign Body Left In Situ	9	343,150	29,538	260,341	633,029
Inapprop. Case Selection	#	#	#	#	#
Application Of Excess Force	#	#	#	#	#
Lack Of Pre-Op Evaluation	#	#	#	#	#
Retained Instrument Post-Operation	#	#	#	#	#
Fail To Act On Abnorm Test Res	5	859,000	54,563	125,750	1,039,313
Wrong Diagnosis	10	1,521,024	104,014	360,175	1,985,214
Fail/Delay Referring To Hosp.	#	#	#	#	#
Medication Errors	#	#	#	#	#
Err With Agnt/Dose/Route/Selec	#	#	#	#	#
Perform. Of Op. Not Indicated	8	3,327,080	333,521	947,450	4,608,051
Diathermy Burns/react. To Prep	#	#	#	#	#
Failure To Perform Tests	10	2,479,454	227,114	748,827	3,455,395
Bacterial Infection	#	#	#	#	#
Inappropriate Discharge	#	#	#	#	#
Failure To X-Ray	26	1,015,917	161,736	528,121	1,705,774
Wrong Site Surgery	6	27,500	4,087	39,155	70,742
Injured By Another Patient	#	#	#	#	#
Problem Blood Fluids	#	#	#	#	#
Paediatric Surgery	179	36,317,745	3,067,196	9,444,286	48,829,227
Equipment Malfunction	#	#	#	#	#
Fail / Delay Treatment	33	7,529,899	711,369	1,885,060	10,126,329
Fail To Carry Out PO Observs.	#	#	#	#	#
Fail To Follow-Up Arrangements	#	#	#	#	#
Fail To Recog. Complication Of	10	996,033	88,124	461,770	1,545,928
Fail To Warn-Informed Consent	#	#	#	#	#
Failure To Interpret X-Ray	#	#	#	#	#
Failure To Perform Operation	#	#	#	#	#
Failure/Delay Diagnosis	29	11,672,439	657,853	2,056,276	14,386,568
Inadequate Nursing Care	#	#	#	#	#
Inadqte Monitor In Recov Room	#	#	#	#	#
Inappropriate Treatment	6	151,506	20,255	90,013	261,774
Intra-Op Problems	22	7,754,733	661,824	1,962,500	10,379,057
Lack Of Assistance/Care	#	#	#	#	#
Poor Application Of Plstr Cast	#	#	#	#	#
Delay In Performing Operation	15	1,462,610	323,741	894,150	2,680,501
Operator Error	#	#	#	#	#
Fail/Delay Admitting To Hosp.	#	#	#	#	#
Infusion Problems	#	#	#	#	#
Foreign Body Left In Situ	#	#	#	#	#

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

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid
Closure_Year_or_PPOs_Settlement_Year	(Multiple Items)

Primary Cause	No_of_Claims	Damages Paid	Defence Costs Paid	Claimant Costs Paid	Total Paid
Failed Sterilisation	#	#	#	#	#
Lack Of Pre-Op Evaluation	#	#	#	#	#
Retained Instrument Post-Operation	#	#	#	#	#
Birth Defects	#	#	#	#	#
Wrong Diagnosis	#	#	#	#	#
Medication Errors	#	#	#	#	#
Err With Agnt/Dose/Route/Selec	#	#	#	#	#
Diathermy Burns/react. To Prep	6	68,595	5,462	75,242	149,299
Failure To Perform Tests	#	#	#	#	#
Bacterial Infection	#	#	#	#	#
Inappropriate Discharge	#	#	#	#	#
Unexpected Death	#	#	#	#	#
Wrong Site Surgery	#	#	#	#	#
Fail/Delay Resus By Paediatric	#	#	#	#	#
Improp. Delegation To Junior	#	#	#	#	#
Wrong Site Surgery	#	#	#	#	#
Sexual Abuse	#	#	#	#	#
Grand Total	907	110,743,651	11,735,849	37,268,246	159,747,745

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

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid
Closure_Year_or_PPOs_Settlement_Year	(Multiple Items)

Year of Closure (Settlement Year for PPOs)----- Primary Injury Types	No_of_Claims	Damages Paid	Defence Costs Paid	Claimant Costs Paid	Total Paid
Orthopaedic Surgery	728	74,425,906	8,668,652	27,823,960	110,918,518
Poor Outcome - Fractures Etc.	168	7,362,941	1,449,194	4,702,191	13,514,326
Unnecessary Pain	99	4,447,014	685,358	2,694,123	7,826,495
Adtnl/unnecessary Operation(s)	126	5,884,999	939,002	3,733,241	10,557,242
Joint Damage	49	7,087,828	803,460	2,115,149	10,006,437
Tendon Damage	7	1,065,772	119,234	267,925	1,452,930
Fracture	59	1,091,810	213,250	1,062,967	2,368,028
Partial Paralysis	#	#	#	#	#
Other	#	#	#	#	#
Other Infection	5	149,000	24,323	87,804	261,127
Tissue Damage	#	#	#	#	#
Burn(s)	9	94,205	10,530	130,631	235,367
Foot Drop	#	#	#	#	#
Nerve Damage	25	801,471	159,676	584,366	1,545,513
Scarring	46	434,807	108,644	571,267	1,114,717
Paraplegia	9	15,535,030	1,196,774	3,681,826	20,413,630
Fatality	12	507,007	86,734	402,396	996,137
Amputation - Lower	6	3,260,679	324,768	1,036,590	4,622,037
Incontinence	#	#	#	#	#
Dislocation	12	1,364,234	277,847	685,259	2,327,341
Psychiatric/Psychological Dmge	5	22,197	13,615	58,800	94,612
Malignant Tumour	#	#	#	#	#
Cystic Growth	#	#	#	#	#
Limb Deformity	26	5,727,674	590,896	1,583,502	7,902,071
Spinal Damage	5	6,635,870	556,845	1,416,180	8,608,895
Cosmetic Disfigurement	7	228,801	110,861	417,008	756,670
Loss Of Kidney	#	#	#	#	#
Respiratory Disorder/ Failure	#	#	#	#	#
Pressure Sores	16	240,415	84,873	315,964	641,252
Hospital Acquired Infection	#	#	#	#	#
Tetraplegia/ Quadraplegia	#	#	#	#	#
Amputation - Upper	#	#	#	#	#
Compartment Syndrome	9	2,233,180	275,042	556,177	3,064,399
Benign Tumour	#	#	#	#	#
Anaesthetic	#	#	#	#	#
Unknown	#	#	#	#	#
Multiple Disabilities	#	#	#	#	#
Blindness	#	#	#	#	#
Klumpke's Paralysis	#	#	#	#	#
Advanced Stage Cancer	#	#	#	#	#
Paediatric Surgery	179	36,317,745	3,067,196	9,444,286	48,829,227
Poor Outcome - Fractures Etc.	#	#	#	#	#
Unnecessary Pain	23	685,662	137,320	442,036	1,265,018
Adtnl/unnecessary Operation(s)	26	648,029	112,721	704,663	1,465,413
Joint Damage	#	#	#	#	#
Other	#	#	#	#	#
Rupture	#	#	#	#	#
Other Infection	#	#	#	#	#
Tissue Damage	#	#	#	#	#
Burn(s)	7	73,095	7,683	97,158	177,935
Nerve Damage	7	953,547	124,468	305,250	1,383,265
Scarring	12	113,750	19,167	238,220	371,136
Paraplegia	#	#	#	#	#
Fatality	25	813,544	191,392	1,042,354	2,047,290
Amputation - Lower	#	#	#	#	#
Deafness	#	#	#	#	#
Perforation	#	#	#	#	#
Incontinence	#	#	#	#	#
Psychiatric/Psychological Dmge	#	#	#	#	#
Brain Damage	13	19,444,073	1,098,096	3,186,689	23,728,857
Cystic Growth	#	#	#	#	#
Limb Deformity	#	#	#	#	#
Cosmetic Disfigurement	#	#	#	#	#
Cardiovascular Condition	#	#	#	#	#
Labial Fusion	#	#	#	#	#

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

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid
Closure_Year_or_PPOs_Settlement_Year	(Multiple Items)

Year of Closure (Settlement Year for PPOs)----- Primary Injury Types	No_of_Claims	Damages Paid	Defence Costs Paid	Claimant Costs Paid	Total Paid
Cerebral Palsy	#	#	#	#	#
Loss Of Kidney	#	#	#	#	#
Removal Of Testicle	#	#	#	#	#
Respiratory Disorder/ Failure	#	#	#	#	#
Pressure Sores	#	#	#	#	#
Bowel Damage/ Dysfunction	6	154,500	35,929	155,724	346,152
Amputation - Upper	#	#	#	#	#
Arterial Damage	#	#	#	#	#
Erb's Palsy	#	#	#	#	#
Loss Of Sexual Function	#	#	#	#	#
Compartment Syndrome	#	#	#	#	#
Bruising/ Extravasation	#	#	#	#	#
Unknown	#	#	#	#	#
Infertility	#	#	#	#	#
Renal Damage/ Failure	#	#	#	#	#
Cardiac Arrest	#	#	#	#	#
Peritonitis	#	#	#	#	#
Scalp Damage	#	#	#	#	#
Fistula	#	#	#	#	#
Removal Of Fallopian Tube	#	#	#	#	#
Hemiparesis	#	#	#	#	#
Downs Syndrome	#	#	#	#	#
Vocal Cord Damage	#	#	#	#	#
Grand Total	907	110,743,651	11,735,849	37,268,246	159,747,745