



Resolution

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December 2021

FOI_5220

The following information was requested on 15 October 2021:

Follow up to FOI_5004 – [FOI_5004_General-Surgery.pdf \(resolution.nhs.uk\)](#)

I was wondering if you can provide 20 years of data from Jan 2000 to Dec 2020?

This is because I may be able to write up more in a research paper with 20 years of data.

Our Response

Please find attached the requested information. Please note some of the figures provided in this response will not match some of the data released for FOI_5004. This is because some notified or open claims are re-categorised following investigation and closed claims are re-opened to process late invoices or to deal with appeals.

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/>

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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 received between financial years 2000/01 and 2020/21 where Specialty is 'General Surgery'

Notifications Scheme	Y (All)
Year of Notification	No. of Claims
2000/01	429
2001/02	681
2002/03	812
2003/04	741
2004/05	718
2005/06	678
2006/07	591
2007/08	651
2008/09	707
2009/10	687
2010/11	872
2011/12	937
2012/13	1,107
2013/14	1,361
2014/15	1,188
2015/16	932
2016/17	845
2017/18	929
2018/19	918
2019/20	927
2020/21	831
Grand Total	17,542

Table 2: Number and Cost of Claims Closed between financial years 2000/01 and 2020/21 with damages paid where Specialty is 'General Surgery' (includes the damages paid to date for any claims settled on a periodical payment order basis)

Closed_Settled	Y
Scheme	(All)
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
2000/01	194	13,878,210	2,055,354	3,900,576	19,834,140
2001/02	252	13,954,044	2,763,282	4,628,878	21,346,205
2002/03	292	20,725,705	2,802,523	5,159,675	28,687,903
2003/04	375	17,379,020	3,078,672	5,642,121	26,099,813
2004/05	422	26,084,901	4,111,474	8,781,738	38,978,113
2005/06	375	15,712,846	3,012,428	7,049,056	25,774,330
2006/07	345	21,070,463	3,074,723	7,942,521	32,087,707
2007/08	443	26,727,266	4,437,851	10,919,710	42,084,827
2008/09	369	19,481,635	3,552,363	10,330,408	33,364,405
2009/10	466	34,986,538	3,938,130	14,270,368	53,195,037
2010/11	601	41,165,807	5,886,939	20,983,258	68,036,003
2011/12	554	40,639,203	4,252,746	19,922,484	64,814,434
2012/13	534	42,629,544	4,394,930	21,389,199	68,413,673
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	714	61,942,091	9,113,984	48,331,060	119,387,135
2017/18	684	51,326,219	7,964,720	36,840,173	96,131,111
2018/19	598	59,925,447	7,712,474	32,989,001	100,626,922
2019/20	672	60,203,674	8,606,149	33,898,784	102,708,607
2020/21	583	70,675,600	8,439,744	34,856,494	113,971,838
Grand Total	10,192	762,591,262	104,883,119	407,240,907	1,274,715,287

Table 3: Number and Cost of Claims Closed between financial years 2000/01 and 2020/21 with NIL damages paid where Specialty is 'General Surgery'

Closed_Settled	Y
Scheme	(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
2000/01	59	0	216,083	15,442	231,525
2001/02	199	0	465,021	61,238	526,259
2002/03	287	0	903,638	165,988	1,067,406
2003/04	353	0	752,708	49,468	800,833
2004/05	426	0	891,802	9,190	900,765
2005/06	299	0	740,391	16,041	756,431
2006/07	296	0	456,111	882	456,993
2007/08	250	0	583,210	35,284	613,427
2008/09	211	0	339,145	13,000	352,077
2009/10	221	0	495,462	1,875	474,037
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	928,220	77,184	1,005,403
2016/17	332	0	1,032,158	9,486	1,029,378
2017/18	694	0	1,595,045	4,800	1,599,845
2018/19	340	0	1,393,017	2,622	1,395,638
2019/20	265	0	1,150,617	21,554	1,167,988
2020/21	268	0	1,177,519	0	1,177,519
Grand Total	6,149	0	16,462,205	539,307	16,940,339

Table 4: Analysis of Primary Injuries for Claims Closed between financial years 2000/01 and 2020/21 with damages paid where Specialty is 'General Surgery' (includes the damages paid to date for any claims settled on a periodical payment order basis)

Closed_Settled	Y
Scheme	(All)
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs) ----- Primary Injuries	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Adtnl/unnecessary Operation(s)	2,010	109,792,545	17,446,263	72,601,888	199,840,696
Amputation - Lower	103	20,074,527	2,660,757	7,145,455	29,880,740
Amputation - Upper	17	2,145,684	444,537	1,370,976	3,961,197
Cosmetic Disfigurement	89	3,090,112	577,430	2,524,652	6,192,195
Dental Damage	28	264,101	67,247	240,420	571,768
Fatality	1,236	98,580,960	13,241,675	50,415,560	162,238,195
Hernia	78	2,611,905	726,358	2,800,054	6,138,317
Nerve Damage	314	31,601,638	4,947,296	15,351,500	51,900,434
Not Specified	15	448,473	116,840	404,329	969,642
Other	101	5,702,087	730,718	3,127,159	9,559,964
Other Visual Problems	16	463,935	117,543	341,304	922,782
Pacemaker Installation	#	#	#	#	#
Poor Outcome - Fractures Etc.	226	16,273,077	1,986,015	6,009,713	24,268,805
Pressure Sores	210	6,533,562	906,746	5,105,391	12,545,699
Psychiatric/Psychological Dmge	303	8,502,639	1,427,180	6,809,303	16,739,122
Removal Of Fallopian Tube	10	207,250	65,238	196,982	469,470
Removal Of Testicle	87	2,227,927	481,943	2,129,493	4,839,364
Scarring	203	4,012,674	904,185	4,084,920	9,001,780
Spinal Damage	17	6,547,961	613,866	2,574,712	9,736,539
Unnecessary Pain	1,579	53,975,352	10,159,452	41,074,092	105,208,896
Fracture	106	2,837,528	484,241	2,345,845	5,667,615
Osteoporosis	#	#	#	#	#
Erb's Palsy	#	#	#	#	#
Perforation	259	18,206,123	3,165,967	12,009,100	33,381,189
Tuberculosis	#	#	#	#	#
Tissue Damage	47	998,538	208,591	1,057,311	2,264,440
Multiple Disabilities	10	3,345,968	474,196	1,191,261	5,011,425
Multiple Injuries	39	6,209,107	683,006	2,447,385	9,339,498
Rupture	23	2,131,143	163,807	730,952	3,025,902
Dislocation	#	#	#	#	#
Other Infection	194	8,841,267	1,563,208	6,416,508	16,820,983
Bruising/ Extravasation	30	784,109	80,468	428,064	1,292,641
Thrombosis/Embolism	75	2,811,394	579,105	2,276,176	5,666,675
Respiratory Disorder/ Failure	14	537,583	98,038	411,930	1,047,551
Bowel Damage/ Dysfunction	614	85,828,066	10,934,116	44,230,132	140,992,315
Tendon Damage	12	344,676	68,588	291,655	704,919
Renal Damage/ Failure	53	5,273,353	839,631	3,034,355	9,147,339
Incontinence	58	7,482,336	955,095	2,841,903	11,279,334
Infectious Diseases	24	2,345,460	351,189	1,353,267	4,049,916
Bladder Damage	102	7,246,886	1,220,601	4,925,692	13,393,178
Loss Of Sexual Function	16	621,778	164,886	354,425	1,141,089
Liver Damage	37	4,182,376	807,905	2,143,789	7,134,070
Fistula	54	5,822,157	763,328	2,855,402	9,440,887
Impotence	11	622,587	128,953	401,716	1,153,257
Bile Duct Damage	336	33,120,974	3,682,316	15,843,432	52,646,723
Burn(s)	149	1,438,014	186,756	1,387,600	3,012,370
Cardiovascular Condition	12	752,517	157,854	978,191	1,888,561
Paraplegia	12	12,559,397	705,998	3,645,590	16,910,985
Brain Damage	52	52,142,708	3,113,451	8,988,304	64,244,463
Stroke	26	11,610,096	1,055,728	3,763,588	16,429,412
Deafness	7	374,250	90,295	285,095	749,640
Infertility	43	3,182,376	550,940	2,181,258	5,914,574
Peritonitis	135	9,811,756	1,576,778	6,444,140	17,832,673
Joint Damage	15	1,379,227	178,078	541,728	2,099,033
Infection (bacterial)	#	#	#	#	#
Unknown	8	54,250	17,848	74,425	146,523

Table 4: Analysis of Primary Injuries for Claims Closed between financial years 2000/01 and 2020/21 with damages paid where Specialty is 'General Surgery' (includes the damages paid to date for any claims settled on a periodical payment order basis)

Closed_Settled	Y
Scheme	(All)
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs) ----- Primary Injuries	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Blindness	11	4,205,070	333,838	1,001,079	5,539,987
Cardiac Arrest	37	3,814,990	493,753	2,183,613	6,492,356
Loss Of Kidney	14	982,368	195,551	1,070,916	2,248,835
Cancer	258	18,051,824	2,770,595	11,200,769	32,023,188
Advanced Stage Cancer	160	12,795,458	1,538,562	7,415,788	21,749,808
Failed Sterilization	8	70,675	14,143	54,961	139,778
Loss Of Lung	#	#	#	#	#
Reduced Life Expectancy	38	3,012,526	325,487	1,379,270	4,717,283
Hospital Acquired Infection	69	12,367,321	1,018,479	3,700,157	17,085,956
Cerebral Palsy	#	#	#	#	#
Loss Of Baby	#	#	#	#	#
Loss Of/Damage To Breast	95	4,556,638	913,246	2,566,538	8,036,422
Anaphylact Shock/Allergic Shock/allergy	22	96,768	11,891	147,873	256,532
Foot Drop	25	2,279,283	560,043	1,879,308	4,718,634
Lung Disease	6	244,045	52,069	182,750	478,864
Anaesthetic	6	1,324,616	77,028	250,250	1,651,894
Oedema	#	#	#	#	#
Arterial Damage	31	1,997,983	458,250	1,738,532	4,194,765
Partial Paralysis	6	2,992,149	266,405	899,481	4,158,036
Limb Deformity	8	671,051	154,132	352,644	1,177,827
Anal Fissure	16	1,448,517	358,145	1,994,222	3,800,884
Compartment Syndrome	27	9,130,771	868,924	3,055,856	13,055,551
Malignant Tumour	26	1,381,423	262,563	818,315	2,462,301
Wrongful Birth	#	#	#	#	#
Benign Tumour	7	523,340	91,524	201,500	816,364
Ulcerative Colitis	5	264,898	39,341	127,000	431,238
Aneurysm	9	492,000	96,209	613,514	1,201,723
Vocal Cord Damage	11	2,010,738	289,458	730,720	3,030,916
Unwanted Pregnancy	6	89,395	15,956	96,673	202,023
Partial Hearing Loss	#	#	#	#	#
Orthopaedic Injuries	#	#	#	#	#
Malnutrition	7	139,447	39,579	241,241	420,267
Cystic Growth	6	588,444	82,880	482,680	1,154,004
Scalp Damage	#	#	#	#	#
Thyroid Condition	7	160,182	101,636	147,618	409,436
Addiction/Dependency	5	60,950	48,950	180,000	289,900
Epilepsy	5	478,000	100,971	374,258	953,229
Viral Infection	#	#	#	#	#
Removal Of Cervix	#	#	#	#	#
Hemiparesis	#	#	#	#	#
Bodily Harm/Murder	#	#	#	#	#
Tetraplegia/ Quadraplegia	#	#	#	#	#
Sexual Abuse	#	#	#	#	#
Chromosomal Abnormality	#	#	#	#	#
Burns	#	#	#	#	#
Grand Total	10,192	762,591,262	104,883,119	407,240,907	1,274,715,287

Table 5: Analysis of Primary Causes for Claims Closed between financial years 2000/01 and 2020/21 with damages paid where Specialty is 'General Surgery' (includes the damages paid to date for any claims settled on a periodical payment order basis)

Closed_Settled	Y
Scheme	(All)
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs) ----- Primary Causes	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Equipment Malfunction	54	3,885,123	325,999	1,676,151	5,887,272
Fail / Delay Treatment	1,646	136,594,003	18,555,202	80,077,581	235,226,787
Fail To Carry Out PO Observs.	105	11,922,345	1,363,379	4,422,844	17,708,569
Fail To Follow-Up Arrangements	120	6,376,837	1,044,128	3,474,740	10,895,706
Fail To Recog. Complication Of	591	45,811,333	8,124,389	26,399,739	80,335,461
Fail To Supervise	46	1,436,871	187,077	1,073,278	2,697,226
Fail To Warn-Informed Consent	398	27,751,869	5,021,462	18,621,738	51,395,070
Failure To Interpret X-Ray	37	1,437,017	251,415	971,481	2,659,913
Failure To Perform Operation	104	4,539,217	763,682	3,461,934	8,764,833
Failure/Delay Diagnosis	1,510	155,118,555	19,688,916	70,782,419	245,589,890
Inadequate Monitoring Intra-Op	92	6,568,453	1,062,000	3,553,398	11,183,851
Inadequate Nursing Care	382	17,171,466	2,159,315	9,429,739	28,760,520
Inadqte Monitor In Recov Room	13	5,470,910	317,023	1,022,340	6,810,273
Inappropriate Treatment	704	48,300,342	6,752,964	27,183,250	82,236,556
Intra-Op Problems	1,680	144,415,903	19,599,014	72,090,330	236,105,246
Lack Of Assistance/Care	116	2,158,522	400,397	1,911,620	4,470,539
Lack Of Facilities/Equipment	14	171,197	31,630	145,970	348,797
Other	46	1,924,717	258,802	1,191,176	3,374,695
Poor Application Of Plstr Cast	#	#	#	#	#
Delay In Performing Operation	251	25,620,249	3,442,259	12,573,870	41,636,377
Operator Error	409	28,769,642	3,304,709	17,035,321	49,109,672
Perineal Tear-1st,2nd,3rd Deg	#	#	#	#	#
Fail To Make Resp To Abnrm FHR	#	#	#	#	#
Not Specified	8	129,500	40,700	128,678	298,878
Fail/Delay Admitting To Hosp.	21	1,748,369	254,319	645,410	2,648,099
Infusion Problems	11	341,195	102,365	243,665	687,226
Foreign Body Left In Situ	278	5,123,813	692,120	4,933,903	10,749,836
Failed Sterilisation	13	184,375	55,001	266,041	505,417
Inapprop. Case Selection	16	1,546,111	217,461	520,582	2,284,154
Application Of Excess Force	10	303,875	56,614	196,300	556,789
Lack Of Pre-Op Evaluation	49	4,069,669	709,803	2,062,504	6,841,976
Retained Instrument Post-Operation	143	2,573,785	491,923	1,736,519	4,802,227
Fail To Act On Abnorm Test Res	104	7,443,598	936,129	3,770,567	12,150,294
Wrong Diagnosis	132	6,250,335	924,926	3,520,501	10,695,762
Fail/Delay Referring To Hosp.	17	3,466,914	335,506	703,078	4,505,498
Failed Infection Control Policy/Hospital Hygiene	117	2,843,365	232,463	2,108,863	5,184,691
Fail Mon Dose/rate Syntocinon	#	#	#	#	#
Fail To Interpret USS	6	692,555	80,444	437,874	1,210,872
Medication Errors	121	4,463,730	643,734	2,732,418	7,839,882
Inapp Use Of Forceps/Ventouse	#	#	#	#	#
Err With Agnt/Dose/Route/Selec	80	5,436,369	569,353	2,589,620	8,595,342
Perform. Of Op. Not Indicated	111	7,964,265	1,225,475	4,284,013	13,473,753
Diathermy Burns/react. To Prep	102	2,106,491	304,204	1,775,030	4,185,725
Failure To Perform Tests	123	11,424,552	1,345,556	6,626,822	19,396,930
Bacterial Infection	49	3,526,361	570,882	1,699,496	5,796,739
Inappropriate Discharge	66	4,478,716	578,204	2,598,102	7,655,022
Fail/Delay Avail Op Thtre	5	322,500	38,141	247,792	608,432
Unexpected Death	19	1,288,707	150,504	543,583	1,982,794
Intubation Problems	13	618,966	116,776	251,425	987,166
Premature Ceasure Of Treatment	#	#	#	#	#
Fail To Infrm Test RsIts	17	305,834	66,574	264,825	637,234
Failure To X-Ray	18	1,125,946	299,433	635,527	2,060,906
Wrong Site Surgery	99	3,299,649	360,933	1,612,395	5,272,977
Incorrect Injection Site	21	514,054	136,691	622,905	1,273,650
Removal & Retention Of Organs	#	#	#	#	#
Cross Infection	15	383,342	135,836	489,577	1,008,755

Table 5: Analysis of Primary Causes for Claims Closed between financial years 2000/01 and 2020/21 with damages paid where Specialty is 'General Surgery' (includes the damages paid to date for any claims settled on a periodical payment order basis)

Closed_Settled	Y
Scheme	(All)
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs) ----- Primary Causes	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Improp. Delegation To Junior	14	683,940	73,511	265,470	1,022,920
Probs With Medical Records	8	202,000	54,619	215,700	472,319
Unknown	#	#	#	#	#
MisplacedNaso/OrogastricTubeNotDet	#	#	#	#	#
Re-Canalisation	10	254,117	43,162	259,666	556,945
Injured By Another Patient	9	341,250	29,786	140,912	511,948
Assault, Etc By Hospital Staff	16	547,727	86,563	296,420	930,709
Wrong Site Surgery	#	#	#	#	#
Problem Blood Fluids	#	#	#	#	#
Sexual Abuse	#	#	#	#	#
Self Harm	#	#	#	#	#
Tooth Inj & Patient Posit Prob	6	29,441	18,858	23,875	72,175
Injury To Others By Patient	#	#	#	#	#
Fell into From Object	#	#	#	#	#
Grand Total	10,192	762,591,262	104,883,119	407,240,907	1,274,715,287

Table 6: Open General Surgery Claims between financial years 2000/01 and 2020/21

Scheme	(All)
Claim_Outcome_FOI	Open

	No. of Claims
	1,831
Grand Total	1,831