



Resolution

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February 2022
FOI_5297

The following information was requested on 17 January 2022:

I am looking for data from when the NHSLA/NHS resolution started collecting information until now regarding the injury code 'Bile Duct Damage'.

Data points:

Claim ID

Current status of claim

Open/closed

Successful/unsuccessful

Settlement date and date of closure (date + year)

Incident date and year

NHSLA notification date and year

Damages paid

Defence costs

Total paid

Operation performed

Incident description

Categorisation of cause of injury

Claimant costs

Our Response

Please find attached the information we are able to provide in respect of your request.

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 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 respect of table 2 the data shows an increase in damages paid in relation to claims closed in the financial year 2020/21. This is a reflection of the nature of individual claims received by NHS Resolution which can vary significantly in value even within the same discipline. As such these fluctuations cannot be interpreted as trends. The data provided reflects the number of claims closed in each financial year with a damages payment and not the number of claims received in that year by NHS Resolution.

We have suppressed low figures and we are unable to provide information about individual claims (this will include claim ID & incident description), 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.

Table 1: Number of Claims received between financial years 1994/95 and 2020/21 (results only include clinical scheme claims where primary injury is 'Bile Duct Damage').

Table 2: Number and Cost of Claims Closed between financial years 1994/95 and 2020/21, with damages paid (includes the damages paid to date for any claims settled on a periodical payment order basis; results only include clinical scheme claims where primary injury is 'Bile Duct Damage').

Table 3: Number and Cost of Claims Closed between financial years 1994/95 and 2020/21, with NIL damages paid (results only include clinical scheme claims where primary injury is 'Bile Duct Damage').

Table 4: Analysis of Primary Specialty for Successful Claims Closed between financial years 1994/95 and 2020/21 (includes the damages paid to date for any claims settled on a periodical payment order basis; results only include clinical scheme claims where primary injury is 'Bile Duct Damage').

Table 5: Analysis of Primary Causes for Successful Claims Closed between financial years 1994/95 and 2020/21 (includes the damages paid to date for any claims settled on a periodical payment order basis; results only include clinical scheme claims where primary injury is 'Bile Duct Damage').

Table 6: Number of open Claims (received between financial years 1994/95 and 2020/21 - results only include clinical scheme claims where primary injury is 'Bile Duct Damage').

Table 1: Number of Claims received between financial years 1994/95 and 2020/21 (results only include clinical scheme claims where primary injury is 'Bile Duct Damage').

Notifications Scheme	Y (All)
Year of Notification	No. of Claims
1995/96	#
1996/97	8
1997/98	#
1998/99	6
1999/00	7
2000/01	11
2001/02	18
2002/03	20
2003/04	35
2004/05	13
2005/06	12
2006/07	20
2007/08	16
2008/09	19
2009/10	24
2010/11	40
2011/12	30
2012/13	35
2013/14	37
2014/15	48
2015/16	30
2016/17	43
2017/18	26
2018/19	31
2019/20	35
2020/21	38
Grand Total	605

Table 2: Number and Cost of Claims Closed between financial years 1994/95 and 2020/21, with damages paid (includes the damages paid to date for any claims settled on a periodical payment order basis; results only include clinical scheme claims where primary injury is 'Bile Duct Damage').

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
1998/99	#	#	#	#	#
1999/00	#	#	#	#	#
2000/01	#	#	#	#	#
2001/02	6	534,437	48,250	60,928	643,616
2002/03	8	502,500	68,806	159,311	730,617
2003/04	9	408,576	109,561	151,552	669,689
2004/05	18	836,957	146,094	309,491	1,292,541
2005/06	13	770,500	106,805	213,639	1,090,944
2006/07	14	1,069,604	138,611	360,776	1,568,991
2007/08	17	1,111,105	196,457	639,213	1,946,775
2008/09	10	706,818	62,700	275,133	1,044,652
2009/10	13	1,099,539	100,371	418,003	1,617,912
2010/11	22	2,259,100	271,223	1,094,102	3,624,424
2011/12	21	1,767,266	122,998	763,800	2,654,064
2012/13	16	1,366,172	117,533	691,350	2,175,055
2013/14	25	2,184,186	178,979	1,195,187	3,558,352
2014/15	30	3,568,187	268,178	1,671,518	5,507,883
2015/16	19	1,619,938	162,461	1,146,069	2,928,469
2016/17	34	3,875,822	392,061	2,001,209	6,269,092
2017/18	31	4,543,755	497,867	2,417,646	7,459,267
2018/19	28	3,033,626	317,624	1,434,205	4,785,456
2019/20	30	2,379,376	290,585	1,396,894	4,066,855
2020/21	27	4,838,955	553,797	2,034,200	7,426,953
Grand Total	400	39,127,583	4,243,830	18,627,158	61,998,571

Table 3: Number and Cost of Claims Closed between financial years 1994/95 and 2020/21, with NIL damages paid (results only include clinical scheme claims where primary injury is 'Bile Duct Damage').

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
1995/96	#	0	#	0	#
1996/97	#	0	#	0	#
2001/02	#	0	#	0	#
2002/03	8	0	7,876	0	7,876
2003/04	6	0	0	0	0
2004/05	5	0	0	0	0
2005/06	#	0	#	0	#
2006/07	10	0	11,049	0	11,049
2007/08	#	0	#	0	#
2008/09	#	0	#	0	#
2009/10	5	0	0	0	0
2010/11	5	0	14,854	0	14,854
2011/12	9	0	30,426	0	30,426
2012/13	#	0	#	0	#
2013/14	7	0	24,175	0	24,175
2014/15	6	0	27,070	0	27,070
2015/16	#	0	#	0	#
2016/17	7	0	14,099	0	14,099
2017/18	7	0	35,726	#	#
2018/19	6	0	72,529	0	72,529
2019/20	5	0	3,613	0	3,613
2020/21	5	0	4,557	0	4,557
Grand Total	108	0	396,171	#	#

Table 4: Analysis of Primary Specialty for Successful Claims Closed between financial years 1994/95 and 2020/21 (includes the damages paid to date for any claims settled on a periodical payment order basis; results only include clinical scheme claims where primary injury is 'Bile Duct Damage').

Closed_Settled	Y
Scheme	(All)
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)----- Pimz	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Emergency Medicine	#	#	#	#	#
Gastroenterology	37	3,983,297	389,092	1,897,036	6,269,425
General Medicine	#	#	#	#	#
General Surgery	341	33,497,136	3,741,369	15,960,578	53,199,083
Radiology	#	#	#	#	#
Surgical Speciality - Other	9	711,267	41,079	249,250	1,001,596
Urology	#	#	#	#	#
Paediatric Surgery	#	#	#	#	#
Intensive Care Medicine	#	#	#	#	#
Grand Total	400	39,127,583	4,243,830	18,627,158	61,998,571

Table 5: Analysis of Primary Causes for Successful Claims Closed between financial years 1994/95 and 2020/21 (includes the damages paid to date for any claims settled on a periodical payment order basis; results only include clinical scheme claims where primary injury is 'Bile Duct Damage').

Closed_Settled	Y
Scheme	(All)
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)----- Prim	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Equipment Malfunction	#	#	#	#	#
Fail / Delay Treatment	32	2,427,722	238,691	1,361,159	4,027,572
Fail To Carry Out PO Observs.	#	#	#	#	#
Fail To Recog. Complication Of	29	2,419,700	272,946	1,306,414	3,999,060
Fail To Warn-Informed Consent	9	547,283	139,891	384,942	1,072,115
Failure To Perform Operation	#	#	#	#	#
Failure/Delay Diagnosis	17	1,338,385	144,403	915,715	2,398,504
Inadequate Monitoring Intra-Op	5	441,422	64,581	222,290	728,292
Inadequate Nursing Care	#	#	#	#	#
Inappropriate Treatment	15	1,060,655	88,626	490,094	1,639,375
Intra-Op Problems	197	20,916,445	2,423,158	9,748,998	33,088,601
Lack Of Assistance/Care	#	#	#	#	#
Other	#	#	#	#	#
Delay In Performing Operation	6	479,040	41,093	205,400	725,533
Operator Error	44	6,148,034	396,380	2,050,443	8,594,856
Lack Of Pre-Op Evaluation	#	#	#	#	#
Retained Instrument Post-Operation	#	#	#	#	#
Fail To Act On Abnorm Test Res	#	#	#	#	#
Fail To Interpret USS	#	#	#	#	#
Perform. Of Op. Not Indicated	9	928,634	82,558	399,737	1,410,929
Diathermy Burns/react. To Prep	5	200,370	45,317	178,950	424,637
Failure To Perform Tests	#	#	#	#	#
Inappropriate Discharge	#	#	#	#	#
Wrong Site Surgery	#	#	#	#	#
Improp. Delegation To Junior	#	#	#	#	#
Re-Canalisation	#	#	#	#	#
Grand Total	400	39,127,583	4,243,830	18,627,158	61,998,571

Table 6: Number of open Claims (received between financial years 1994/95 and 2020/21 - results only include clinical scheme claims where primary injury is 'Bile Duct Damage').

Notifications	Y
Scheme	(All)
Status_Flag	Open

No. of Claims
56