



Resolution

8th Floor,
10 South Colonnade
Canary Wharf
London
E14 4PU

Telephone: 020 7811 2700

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FOI_5347

The following information was requested on 17 February 2022:

I am currently doing a.. project looking into the changes in the number of medicolegal cases related to consent made against general surgery between 2010-2020. Under the Freedom of Information act, could I request data on the litigation/law suits made against general surgery related to consent, which includes what procedure/surgery each of these cases involved.

High-level data held on 'General Surgery' and 'Consent'

Our Response

Please find attached the requested information in respect of **'General Surgery' and 'Consent'**.

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.

The individual nature of claims received by NHS Resolution means they can vary significantly in value and any such fluctuations cannot be interpreted as trends.

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

We have suppressed low figures (we have not broken down table 2 by each year), 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](#), Deputy Director of Corporate and Information Governance, Data Protection Officer 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 CNST Claims and Incidents related to consent made against the specialty general surgery received between financial years 2009/10 and 2020/21](#)

[Table 2: Number of CNST Claims and Incidents related to consent made against the specialty general surgery received between 2009/10 and 2020/21 broken down by injury.](#)

Table 1: Number of CNST Claims and Incidents related to consent made against the specialty general surgery received between financial years 2009/10 and 2020/21

Notifications Scheme	Y CNST
Year of Notification	No. of Claims
2009/10	23
2010/11	35
2011/12	40
2012/13	48
2013/14	31
2014/15	46
2015/16	43
2016/17	54
2017/18	52
2018/19	77
2019/20	104
2020/21	86
Grand Total	639

Table 2: Number of CNST Claims and Incidents related to consent made against the specialty general surgery received between 2009/10 and 2020/21 broken down by injury.

Notifications Scheme	Y CNST
Primary Injury	No. of Claims
Adtnl/unnecessary Operation(s)	169
Bowel Damage/ Dysfunction	108
Unnecessary Pain	91
Nerve Damage	40
Fatality	27
Scarring	23
Perforation	19
Psychiatric/Psychological Dmge	16
Cosmetic Disfigurement	11
Bile Duct Damage	10
Loss Of/Damage To Breast	10
Other Infection	9
Incontinence	9
Hernia	7
Removal Of Testicle	7
Other	6
Thrombosis/Embolism	6
Fistula	6
Bladder Damage	5
Vocal Cord Damage	5
Amputation - Lower	#
Other Visual Problems	#
Poor Outcome - Fractures Etc.	#
Pressure Sores	#
Spinal Damage	#
Tissue Damage	#
Multiple Disabilities	#
Multiple Injuries	#
Rupture	#
Tendon Damage	#
Renal Damage/ Failure	#
Loss Of Sexual Function	#
Liver Damage	#
Impotence	#
Brain Damage	#
Stroke	#
Deafness	#
Infertility	#
Peritonitis	#
Infection (bacterial)	#
Blindness	#
Cardiac Arrest	#
Loss Of Kidney	#
Cancer	#
Advanced Stage Cancer	#
Foot Drop	#
Wrongful Birth	#
Arterial Damage	#
Thyroid Condition	#
Infection (group B strep)	#
Partial Paralysis	#
Anal Fissure	#
Malnutrition	#
Grand Total	639