



Resolution

8th Floor,
10 South Colonnade
Canary Wharf
London
E14 4PU
Telephone: 020 7811 2700

March 2023
FOI_5846

The following information was requested on 21 February 2023:

Follow up to [FOI 5744](#) –

This is extremely helpful. I wonder if it would be possible to obtain further information on the 79 claimants under the primary specialty of "Anaesthesia" for which the primary injury is labelled as "nerve damage".

Nature of nerve damage. Upper limb/lower limb/spinal. Permanent/temporary

Likely cause

Year of claim notification.

Total paid

etc.

I am looking into nerve damage caused by peripheral regional anaesthesia in to identify high risk blocks. Any further granularity you can provide for these 79 cases would be extremely useful.

Our Response

We are unable to provide information about individual claims or claimants due to confidentiality and data protection grounds. Please refer to our **Low Numbers** refusal explained further in this letter.

However, we have provided you with the attached tables, which provide further information about the 79 claims taken from [Table 5 of FOI 5744](#), which you have referred to in 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 clinical negligence 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.

In certain categories e.g. injury, our Claims database allows more than one response to be selected. There can therefore be e.g. primary, secondary and tertiary injuries related to the same case, depending on the circumstances of the individual claim.

Table 1 shows:- Claims closed between financial years 2006/07 and 2021/22 where Primary Injury is 'Nerve Damage' and Primary Specialty is 'Anaesthesia' with damages paid, displayed by notification year.

Table 2 shows:- Claims Closed between financial years 2006/07 and 2021/22 with damages paid (includes the damages paid to date for any claims settled on a periodical payment order basis), where Primary Specialty is 'Anaesthesia' and Primary Injury is 'Nerve Damage' displayed by Primary Cause.

Table 3 shows:- Claims Closed between financial years 2006/07 and 2021/22 with damages paid (includes the damages paid to date for any claims settled on a periodical payment order basis), where Primary Specialty is 'Anaesthesia' and Primary Injury is 'Nerve Damage' displayed by Secondary Injury.

Damages Paid

Please also note that the data shows variation in damages and costs paid in the relevant financial years. This is a reflection of the nature of individual claims received by NHS Resolution, which can vary significantly. As such, year on year fluctuations cannot necessarily be interpreted as trends.

PPOs -

The information disclosed includes damages paid out in the relevant period under Periodical payment orders (PPO) previously agreed on cases, which may have been resolved several years ago. It does not include sums, which have been committed on settlements in the relevant period under a PPO, which may not be paid out until future years. PPOs are an agreement between the parties, to pay an initial lump sum and regular future payments covering the injured party's ongoing care needs, usually for life i.e. a percentage of the full value of the claim is paid at the point of settlement with the balance paid at regular intervals over subsequent years.

Low Numbers

Please note 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 Freedom of Information 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.

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.

Further to our obligations to provide advice and assistance, you may find it helpful to review the work of the [Getting It Right First Time team](#) with whom NHS Resolution has been working with to undertake in-depth analysis of our claims data. They have produced a number of [reports](#) from analysing our claims data which has been shared following approval of the confidentiality advisory group to the use of confidential patient information for this purpose.

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/>

TABLE OF CONTENTS

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: Claims closed between financial years 2006/07 and 2021/22 where Primary Injury is 'Nerve Damage' and Primary Specialty is 'Anaesthesia' with damages paid (includes the damages paid to date for any claims settled on a periodical payment order basis), displayed by notification year.

Table 2: Claims Closed between financial years 2006/07 and 2021/22 with damages paid (includes the damages paid to date for any claims settled on a periodical payment order basis), where Primary Specialty is 'Anaesthesia' and Primary Injury is 'Nerve Damage' displayed by Primary Cause.

Table 3: Claims Closed between financial years 2006/07 and 2021/22 with damages paid (includes the damages paid to date for any claims settled on a periodical payment order basis), where Primary Specialty is 'Anaesthesia' and Primary Injury is 'Nerve Damage' displayed by Secondary Injury.

Table 1: Claims closed between financial years 2006/07 and 2021/22 where Primary Injury is 'Nerve Damage' and Primary Specialty is 'Anaesthesia' with damages paid (includes the damages paid to date for any claims settled on a periodical payment order basis), displayed by notification year.

FOI View	Closed Settled
Clinical	Clinical
Claim_Outcome	Successful
Speciality1L1	Anaesthesia
Injury1L1	Nerve Damage

Notification Year	No. of Claims
1998/99	#
1999/00	#
2001/02	#
2003/04	#
2004/05	#
2005/06	#
2006/07	6
2007/08	#
2008/09	7
2009/10	9
2010/11	#
2011/12	12
2012/13	6
2013/14	7
2014/15	7
2015/16	5
2016/17	#
2017/18	#
2018/19	#
Grand Total	79

Table 2: Claims Closed between financial years 2006/07 and 2021/22 with damages paid (includes the damages paid to date for any claims settled on a periodical payment order basis), where Primary Specialty is 'Anaesthesia' and Primary Injury is 'Nerve Damage' displayed by Primary Cause.

FOI View	Closed Settled
Clinical	Clinical
Claim_Outcome	Successful
Speciality1L1	Anaesthesia
Injury1L1	Nerve Damage

Primary Cause	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Err With Agnt/Dose/Route/Selec	18	2,816,417	303,241	1,235,861	4,355,520
Intra-Op Problems	17	1,802,940	518,565	1,457,173	3,778,678
Inappropriate Treatment	9	1,975,660	336,091	743,625	3,055,376
Incorrect Injection Site	6	524,515	99,026	238,910	862,451
Fail To Warn-Informed Consent	6	611,590	87,816	341,173	1,040,580
Fail To Recog. Complication Of	#	#	#	#	#
Operator Error	#	#	#	#	#
Failure/Delay Diagnosis	#	#	#	#	#
Fail / Delay Treatment	#	#	#	#	#
Inadequate Monitoring Intra-Op	#	#	#	#	#
Fail/Delay Avail Op Thtre	#	#	#	#	#
Lack Of Facilities/Equipment	#	#	#	#	#
Lack Of Assistance/Care	#	#	#	#	#
Fail To Supervise	#	#	#	#	#
Inadequate Nursing Care	#	#	#	#	#
Infusion Problems	#	#	#	#	#
Equipment Malfunction	#	#	#	#	#
Grand Total	79	10,297,943	1,803,073	6,170,363	18,271,379

Table 3: Claims Closed between financial years 2006/07 and 2021/22 with damages paid (includes the damages paid to date for any claims settled on a periodical payment order basis), where Primary Specialty is 'Anaesthesia' and Primary Injury is 'Nerve Damage' displayed by Secondary Injury.

FOI View	Closed Settled
Clinical	Clinical
Claim_Outcome	Successful
Speciality1L1	Anaesthesia
Injury1L1	Nerve Damage

Secondary Injury	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
(blank)	66	9,354,704	1,498,662	5,390,338	16,243,704
Bladder Damage	#	#	#	#	#
Unnecessary Pain	#	#	#	#	#
Foot Drop	#	#	#	#	#
Other	#	#	#	#	#
Lung Disease	#	#	#	#	#
Pressure Sores	#	#	#	#	#
Incontinence	#	#	#	#	#
Spinal Damage	#	#	#	#	#
Tendon Damage	#	#	#	#	#
Grand Total	79	10,297,943	1,803,073	6,170,363	18,271,379