



Resolution

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

August 2023
FOI_6028

The following information was requested on 21 June 2023:

Under Freedom of Information Act I would like to request the following information:

Medical negligence claims registered within the specialty of Upper Gastro-intestinal Surgery, including Bariatric Surgery (if this is not a specific category in your data then kindly include any claims with the following key words: "bariatric", "metabolic surgery", "weight loss surgery", "obesity surgery", "sleeve gastrectomy", "gastric bypass", 'roux en y gastric bypass') between January 2014 to May 2023. If any issues regarding this categorisation, kindly include all claims registered under 'General Surgery' instead. Please include the following data points for each claim:

*Claimant sex and age group (5-year brackets)
Name of surgery/procedure
Incident description
Location
Description of injury
Cause
Outcome
Financial year of claim
Claim status (open/closed, litigated/not litigated, settlement/trial date and costs).*

Total amount paid out, total amount paid by NHS England, and amounts paid to the claimant, the claimant's legal team and the defence legal team in GBP.

Our Response

In terms of: Bariatric Surgery (if this is not a specific category in your data then kindly include any claims with the following key words: "bariatric", "metabolic surgery", "weight loss surgery", "obesity surgery", "sleeve gastrectomy", "gastric bypass", 'roux en y gastric bypass')

These cases will be recorded on an individual case and contained within the file for that claim. In order to extract this information, we would need to manually interrogate individual case files.

Therefore, we estimate that the cost of complying with the request in its entirety would exceed the 'appropriate limit'. Section 12(1) of the FOIA is a provision which allows a public authority to refuse to comply with a request for information where the cost of

compliance is estimated to exceed a set limit (known as the 'appropriate limit'). The 'appropriate limit' for NHS Resolution is £450. This equates to 18 hours of work at the rate of £25 per hour set out in the 'Fees Regulations'. This would be in addition to the time already taken to provide the information attached with this response.

Please note, in the past we have occasionally provided information based on the incident description field. However, this search has proven to be incomplete and provided a misleading picture as there are a number of causes for claims and they are settled for a number of multi-factorial reasons and the primary cause and injury may not relate entirely to what has been entered into the short free-text field. This approach would also be reliant on the precise phrase: "*bariatric*", "*metabolic surgery*", "*weight loss surgery*", "*obesity surgery*", "*sleeve gastrectomy*", "*gastric bypass*", "*roux en y gastric bypass*", having been used (and **spelt correctly**) in the free text field rather than other synonyms or general descriptions of the patient's condition/treatment. As such, we have decided **not to** carry out searches based on the incident description field as it is very unreliable.

Please find attached the requested information in respect of data where the specialty is: '**General surgery**' or '**Gastroenterology**'.

We can provide information in financial years. This information only covers England and not the rest of the UK. Please note the data for the financial year 2022/23 is currently unavailable and has not been audited. This information will be available on request from the end of August 2023.

NB: We have recently changed the way we report on our FOIs to align better with our published documents. Streamlining our reporting on FOIs with our annual published reports may mean a variation in snapshot dates. This means this data may not align with previous similar requests and it may not be possible for you to compare this information with a previous request. For further information, please refer to <https://resolution.nhs.uk/resources/understanding-nhs-resolution-data>.

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. Therefore, the total number of claims closed or settled in a financial year will not match the number of claims received in that year.

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.

Table 1 shows: - Number of Clinical Claims and Incidents received between financial years 2013/14 and 2021/22 where the Specialty is '**General surgery**' or '**Gastroenterology**'. Broken down by **Age**.

Please note that the date of birth field is not mandatory in our claims management system to be completed. Therefore, the age for **all** claimants is not recorded and not held.

Table 2 shows: - Number of Clinical Claims and Incidents received between financial years 2013/14 and 2021/22 where the Specialty is '**General surgery**' or '**Gastroenterology**'. Broken down by **Sex**.

Tables 3 shows: - Number and Cost of Clinical Claims Closed (or settled as a PPO between financial years 2013/14 and 2021/22 with a damages payment where the Specialty is '**General surgery**' or '**Gastroenterology**' (includes the damages paid to date for any claims settled on a periodical payment order basis).

Table 4 shows: - Number and Cost of Clinical Claims Closed between financial years 2013/14 and 2021/22 with **NIL** damages paid where the Specialty is '**General surgery**' or '**Gastroenterology**'.

Within the nil damages value tranche there are some years reporting positive and negative values. Payments or recoveries can be made during a financial year for claims that have a damages value of nil as at 31st March 2022:

- a) Damages - cases that are closed with nil damages may have had damages payments made in a year and money being received back, either in full or part in any given year where the original payment was made in a prior year.
- b) NHS Resolution is required to pay its defendant legal costs even if the claimant does not ultimately recover any damages.
- c) On occasions claimant legal costs are also paid by NHS Resolution where the claimant receives nil damages. For example, a court may order (or NHS Resolution may agree prior to court proceedings) that NHS Resolution pay some claimant legal costs associated with an intermediate step associated with the claimant pursuing the claim, even if the final outcome is no damages are payable.

Table 5 shows: - Analysis of Primary **Injuries** for Clinical Claims Closed (or settled as a PPO) between financial years 2013/14 and 2021/22 with a damages payment where the Specialty is '**Gastroenterology**' (includes the damages paid to date for any claims settled on a periodical payment order basis).

Table 6 shows: - Analysis of Primary **Injuries** for Clinical Claims Closed (or settled as a PPO) between financial years 2013/14 and 2021/22 with a damages payment where the Specialty is '**General surgery**' (includes the damages paid to date for any claims settled on a periodical payment order basis).

Table 7 shows: - Analysis of Primary **Causes** for Clinical Claims Closed (or settled as a PPO) between financial years 2013/14 and 2021/22 with a damages payment where the Specialty is '**Gastroenterology**' (includes the damages paid to date for any claims settled on a periodical payment order basis).

Table 8 shows: - Analysis of Primary **Causes** for Clinical Claims Closed (or settled as a PPO) between financial years 2013/14 and 2021/22 with a damages payment where the Specialty is '**General surgery**' (includes the damages paid to date for any claims settled on a periodical payment order basis).

Table 9 shows: - Number and Cost of Clinical Claims Closed (or settled as a PPO) between financial years 2013/14 and 2021/22 with a damages payment where the Specialty is '**General surgery**' or '**Gastroenterology**' (includes the damages paid to date for any claims settled on a periodical payment order basis). Broken down by Litigation Status.

Table 10 shows: - Number and Cost of Clinical Claims that went to trial Closed (or settled as a PPO) between financial years 2013/14 and 2021/22 with a damages payment where the Specialty is '**General surgery**' or '**Gastroenterology**' (includes the damages paid to date for any claims settled on a periodical payment order basis).

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 / claimant'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 and not provided information that can identify claimants or members of staff, such as "Incident description". 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.

If you would like to know how data is categorised in our Claims database please see the following link: [Glossary](#)

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.

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: Number of Clinical Claims and Incidents received between financial years 2013/14 and 2021/22 where the Specialty is 'General surgery' or 'Gastroenterology'. Broken down by Age.

Table 2: Number of Clinical Claims and Incidents received between financial years 2013/14 and 2021/22 where the Specialty is 'General surgery' or 'Gastroenterology'. Broken down by Sex.

Table 3: Number and Cost of Clinical Claims Closed (or settled as a PPO between financial years 2013/14 and 2021/22 with a damages payment where the Specialty is 'General surgery' or 'Gastroenterology' (includes the damages paid to date for any claims settled on a periodical payment order basis).

Table 4: Number and Cost of Clinical Claims Closed between financial years 2013/14 and 2021/22 with NIL damages paid where the Specialty is 'General surgery' or 'Gastroenterology'.

Table 5: Analysis of Primary Injuries with 5 or more Clinical Claims Closed (or settled as a PPO) between financial years 2013/14 and 2021/22 with a damages payment where the Specialty is 'Gastroenterology' (includes the damages paid to date for any claims settled on a periodical payment order basis).

Table 6: Analysis of Primary Injuries with 5 or more Clinical Claims Closed (or settled as a PPO) between financial years 2013/14 and 2021/22 with a damages payment where the Specialty is 'General surgery' (includes the damages paid to date for any claims settled on a periodical payment order basis).

Table 7: Analysis of Primary Causes with 5 or more Clinical Claims Closed (or settled as a PPO) between financial years 2013/14 and 2021/22 with a damages payment where the Specialty is 'Gastroenterology' (includes the damages paid to date for any claims settled on a periodical payment order basis).

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 8: Analysis of Primary Causes with 5 or more Clinical Claims Closed (or settled as a PPO) between financial years 2013/14 and 2021/22 with a damages payment where the Specialty is 'General surgery' (includes the damages paid to date for any claims settled on a periodical payment order basis).

Table 9: Number and Cost of Clinical Claims Closed (or settled as a PPO) between financial years 2013/14 and 2021/22 with a damages payment where the Specialty is 'General surgery' or 'Gastroenterology' (includes the damages paid to date for any claims settled on a periodical payment order basis). Broken down by Litigation Status.

Table 10: Number and Cost of Clinical Claims that went to trial Closed (or settled as a PPO) between financial years 2013/14 and 2021/22 with a damages payment where the Specialty is 'General surgery' or 'Gastroenterology' (includes the damages paid to date for any claims settled on a periodical payment order basis).

Table 1: Number of Clinical Claims and Incidents received between financial years 2013/14 and 2021/22 where the Specialty is 'General surgery' or 'Gastroenterology'. Broken down by Age.

FOI View Clinical	Notified Clinical
Specialty	No. of Claims
-----Age	
Gastroenterology	2,403
0 to 5	25
6 to 10	10
11 to 15	15
16 to 20	56
21 to 25	91
26 to 30	123
31 to 35	134
36 to 40	146
41 to 45	161
46 to 50	200
51 to 55	257
56 to 60	235
61 to 65	222
66 to 70	185
71 to 75	197
76 to 80	149
80+	129
Unknown	68
General Surgery	8,743
0 to 5	40
6 to 10	36
11 to 15	82
16 to 20	208
21 to 25	338
26 to 30	495
31 to 35	568
36 to 40	614
41 to 45	820
46 to 50	880
51 to 55	918
56 to 60	792
61 to 65	753
66 to 70	698
71 to 75	527
76 to 80	373
80+	336
Unknown	265
Grand Total	11,146

Table 2: Number of Clinical Claims and Incidents received between financial years 2013/14 and 2021/22 where the Specialty is 'General surgery' or 'Gastroenterology'. Broken down by Sex.

FOI View Clinical	Notified Clinical
Specialty	No. of Claims
-----Sex	
-----Year of Notification	
Gastroenterology	2,403
Female	1,257
2013/14	120
2014/15	136
2015/16	134
2016/17	146
2017/18	145
2018/19	129
2019/20	152
2020/21	135
2021/22	160
Male	1,146
2013/14	116
2014/15	114
2015/16	139
2016/17	108
2017/18	122
2018/19	130
2019/20	149
2020/21	135
2021/22	133
General Surgery	8,743
Female	5,032
2013/14	857
2014/15	693
2015/16	530
2016/17	461
2017/18	531
2018/19	546
2019/20	539
2020/21	455
2021/22	420
Male	3,711
2013/14	508
2014/15	513
2015/16	398
2016/17	386
2017/18	406
2018/19	381
2019/20	404
2020/21	380
2021/22	335
Grand Total	11,146

Table 3: Number and Cost of Clinical Claims Closed (or settled as a PPO between financial years 2013/14 and 2021/22 with a damages payment where the Specialty is 'General surgery' or 'Gastroenterology' (includes the damages paid to date for any claims settled on a periodical payment order basis).

FOI View	Closed Settled
Clinical	Clinical
Claim_Outcome	Successful

Specialty	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
-----Year of Closure (Settlement Year for PPOs)					
Gastroenterology	1,315	107,685,332	15,967,968	68,179,123	191,832,423
2013/14	87	8,768,654	992,464	4,941,610	14,702,729
2014/15	96	8,378,173	991,221	5,305,198	14,674,592
2015/16	98	4,252,590	790,845	4,123,376	9,166,811
2016/17	148	6,646,335	1,293,143	6,612,732	14,552,210
2017/18	172	13,877,925	2,103,610	10,286,217	26,267,752
2018/19	156	14,627,172	2,110,589	9,132,039	25,869,799
2019/20	189	13,244,046	2,249,178	8,588,955	24,082,178
2020/21	173	17,721,431	2,677,174	8,726,293	29,124,897
2021/22	196	20,169,006	2,759,745	10,462,704	33,391,455
General Surgery	5,829	495,293,522	68,912,970	309,033,913	873,240,405
2013/14	606	43,079,692	5,131,707	24,536,471	72,747,871
2014/15	577	39,513,933	4,804,894	25,684,451	70,003,278
2015/16	622	39,843,327	6,358,147	31,757,408	77,958,882
2016/17	746	61,888,325	9,210,342	48,838,659	119,937,325
2017/18	724	56,605,865	8,539,216	39,609,297	104,754,378
2018/19	616	59,511,219	7,854,924	32,756,053	100,122,196
2019/20	699	61,925,333	9,161,102	35,179,367	106,265,803
2020/21	593	65,282,100	8,166,049	33,581,260	107,029,409
2021/22	646	67,643,729	9,686,589	37,090,946	114,421,263
Grand Total	7,144	602,978,855	84,880,938	377,213,036	1,065,072,828

Table 4: Number and Cost of Clinical Claims Closed between financial years 2013/14 and 2021/22 with NIL damages paid where the Specialty is 'General surgery' or 'Gastroenterology'.

FOI View	Closed Settled
Clinical	Clinical
Claim_Outcome	Unsuccessful

Specialty ----Year of Closure	No. of Claims	NHS Legal Costs Paid	Claimant Legal Costs Paid
Gastroenterology	1,012	3,438,584	10,978
2013/14	65	128,399	0
2014/15	122	264,234	0
2015/16	127	418,137	0
2016/17	127	463,012	#
2017/18	109	429,392	#
2018/19	121	406,088	0
2019/20	111	415,916	#
2020/21	107	379,951	0
2021/22	123	533,456	5,750
General Surgery	3,913	12,271,806	308,543
2013/14	396	811,697	#
2014/15	480	1,115,932	20,090
2015/16	422	1,111,548	77,184
2016/17	431	1,271,860	9,486
2017/18	781	1,775,962	#
2018/19	420	1,560,613	#
2019/20	338	1,406,695	21,554
2020/21	301	1,265,530	0
2021/22	344	1,951,969	172,256
Grand Total	4,925	15,710,390	319,520

Table 5: Analysis of Primary Injuries with 5 or more Clinical Claims Closed (or settled as a PPO) between financial years 2013/14 and 2021/22 with a damages payment where the Specialty is 'Gastroenterology' (includes the damages paid to date for any claims settled on a periodical payment order basis).

FOI View	Closed Settled
Clinical	Clinical
Claim_Outcome	Successful
Speciality1L1	Gastroenterology

Primary Injuries	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
33 Primary Injuries (with less than 5 claims or less than £5000 in payments)	73	17,109,512	1,892,707	7,167,356	26,169,575
Unnecessary Pain	256	11,584,975	2,108,400	9,607,661	23,301,036
Fatality	250	19,901,777	3,020,067	12,482,522	35,404,367
Adtnl/unnecessary Operation(s)	145	12,265,521	1,831,138	8,779,598	22,876,258
Bowel Damage/ Dysfunction	115	11,512,010	1,985,298	8,045,913	21,543,221
Cancer	86	6,166,895	1,048,217	4,210,131	11,425,243
Perforation	67	4,156,264	912,750	3,713,157	8,782,171
Advanced Stage Cancer	51	3,670,460	505,960	2,349,439	6,525,858
Bile Duct Damage	33	4,606,993	418,379	2,097,028	7,122,400
Psychiatric/Psychological Dmge	27	869,356	165,508	1,042,580	2,077,444
Pressure Sores	25	350,600	81,925	597,164	1,029,688
Other Infection	22	454,902	137,767	513,319	1,105,988
Other	17	368,930	63,274	311,587	743,791
Peritonitis	16	1,489,339	199,635	1,025,541	2,714,515
Fracture	15	189,750	30,212	200,056	420,018
Renal Damage/ Failure	14	4,364,008	294,952	1,073,500	5,732,459
Multiple Injuries	10	1,578,427	108,296	449,430	2,136,153
Liver Damage	10	469,286	71,174	371,619	912,079
Stroke	9	3,042,890	277,417	596,207	3,916,514
Cardiac Arrest	7	262,000	88,462	523,169	873,632
Infectious Diseases	7	354,000	50,293	118,736	523,029
Thrombosis/Embolism	7	154,896	38,045	361,875	554,816
Tuberculosis	6	329,855	33,997	404,123	767,974
Hospital Acquired Infection	6	51,907	39,417	104,300	195,624
Scarring	6	68,845	22,113	62,800	153,758
Malignant Tumour	5	181,500	49,279	229,555	460,334
Hernia	5	301,250	67,126	263,500	631,876
Bruising/ Extravasation	5	76,500	19,176	110,989	206,665
Fistula	5	332,500	100,611	257,130	690,241
Nerve Damage	5	1,043,910	214,981	774,160	2,033,052
Dental Damage	5	17,926	6,565	49,650	74,141
Poor Outcome - Fractures Etc.	5	358,349	84,827	285,328	728,504
Grand Total	1,315	107,685,332	15,967,968	68,179,123	191,832,423

Table 6: Analysis of Primary Injuries with 5 or more Clinical Claims Closed (or settled as a PPO) between financial years 2013/14 and 2021/22 with a damages payment where the Specialty is 'General surgery' (includes the damages paid to date for any claims settled on a periodical payment order basis).

FOI View	Closed Settled
Clinical	Clinical
Claim_Outcome	Successful
Speciality1L1	General Surgery

Primary Injuries	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
31 Primary Injuries (with less than 5 claims)	60	8,965,029	1,132,349	5,755,195	15,852,573
Adtnl/unnecessary Operation(s)	1,126	72,678,475	11,456,873	53,421,262	137,556,610
Unnecessary Pain	936	37,726,077	6,359,552	32,049,972	76,135,600
Fatality	611	57,839,734	8,696,376	36,662,205	103,198,316
Bowel Damage/ Dysfunction	463	78,271,204	9,475,894	40,278,959	128,026,057
Bile Duct Damage	231	26,450,722	2,875,310	13,756,164	43,082,195
Poor Outcome - Fractures Etc.	172	12,446,227	1,496,473	5,014,639	18,957,340
Perforation	169	16,333,540	2,594,638	10,416,048	29,344,226
Psychiatric/Psychological Dmge	166	4,731,797	590,748	4,045,941	9,368,486
Cancer	155	14,871,964	2,017,323	9,396,189	26,285,475
Pressure Sores	141	5,002,872	613,972	4,031,469	9,648,313
Other Infection	112	5,629,962	1,086,865	5,262,205	11,979,032
Scarring	106	2,831,068	640,544	3,189,481	6,661,093
Nerve Damage	102	10,697,451	1,835,720	8,003,522	20,536,694
Advanced Stage Cancer	98	10,234,823	1,032,667	5,888,181	17,155,671
Burn(s)	80	915,571	128,427	944,311	1,988,309
Peritonitis	77	6,624,926	1,182,085	5,791,909	13,598,920
Bladder Damage	67	4,691,242	717,769	3,722,055	9,131,066
Other	66	3,986,112	539,450	2,396,649	6,922,211
Fracture	66	2,025,937	332,334	1,912,688	4,270,959
Hernia	62	2,414,265	679,990	2,601,695	5,695,950
Loss Of/Damage To Breast	59	2,847,403	532,730	1,964,640	5,344,773
Thrombosis/Embolism	55	2,182,529	389,771	1,963,447	4,535,747
Removal Of Testicle	43	965,702	231,185	1,421,054	2,617,940
Amputation - Lower	38	11,571,315	1,267,903	4,369,554	17,208,772
Tissue Damage	37	1,177,084	176,461	1,160,851	2,514,396
Renal Damage/ Failure	37	4,178,941	567,668	2,509,082	7,255,691
Multiple Injuries	34	6,102,625	511,388	2,333,212	8,947,225
Fistula	33	4,927,651	571,208	2,532,556	8,031,415
Cosmetic Disfigurement	31	1,135,987	170,800	1,082,286	2,389,073
Cardiac Arrest	29	4,859,645	610,265	2,284,620	7,754,529
Liver Damage	23	2,458,383	523,147	1,441,545	4,423,074
Reduced Life Expectancy	23	1,866,405	181,369	1,101,248	3,149,022
Bruising/ Extravasation	21	188,537	42,221	298,489	529,247
Incontinence	21	3,598,549	479,741	1,766,838	5,845,129
Brain Damage	20	17,131,150	1,566,454	4,918,551	23,616,155
Stroke	19	8,462,802	893,933	3,477,397	12,834,132
Infectious Diseases	19	2,143,387	312,235	1,092,317	3,547,939
Rupture	16	576,871	70,771	445,299	1,092,941
Compartment Syndrome	15	6,795,244	608,780	2,156,923	9,560,947
Hospital Acquired Infection	14	2,679,694	409,042	1,545,288	4,634,024
Infertility	14	1,309,307	248,347	1,224,805	2,782,459
Anaphylact Shock/Allergic Shock/allergy	12	81,818	16,877	142,350	241,045
Arterial Damage	12	3,416,327	224,640	1,196,056	4,837,023
Malignant Tumour	12	959,628	155,201	556,678	1,671,508
Dental Damage	9	108,200	23,881	133,800	265,881
Foot Drop	9	1,793,153	485,105	1,841,298	4,119,555
Spinal Damage	8	5,751,331	491,494	1,780,403	8,023,229
Loss Of Kidney	8	713,159	160,333	977,707	1,851,200
Respiratory Disorder/ Failure	8	365,080	57,018	290,651	712,749
Anal Fissure	7	1,066,017	306,006	1,861,931	3,233,954
Amputation - Upper	7	1,421,342	122,235	572,028	2,115,604
Cardiovascular Condition	7	559,465	57,527	483,548	1,100,540
Removal Of Fallopian Tube	6	134,250	13,098	132,200	279,548
Scalp Damage	6	63,800	7,858	91,000	162,658
Not Specified	6	175,673	41,775	117,350	334,798

Table 6: Analysis of Primary Injuries with 5 or more Clinical Claims Closed (or settled as a PPO) between financial years 2013/14 and 2021/22 with a damages payment where the Specialty is 'General surgery' (includes the damages paid to date for any claims settled on a periodical payment order basis).

FOI View	Closed Settled
Clinical	Clinical
Claim_Outcome	Successful
Speciality1L1	General Surgery

Primary Injuries	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Blindness	5	3,320,611	272,239	693,956	4,286,807
Epilepsy	5	567,500	155,682	507,008	1,230,190
Tendon Damage	5	213,598	46,594	210,251	470,443
Aneurysm	5	415,000	58,749	515,500	989,249
Vocal Cord Damage	5	998,738	198,095	530,325	1,727,158
Infection (bacterial)	5	31,700	6,944	68,567	107,211
Other Visual Problems	5	104,085	32,870	160,510	297,466
Impotence	5	354,587	78,468	250,716	683,771
Deafness	5	150,250	49,503	289,335	489,089
Grand Total	5,829	495,293,522	68,912,970	309,033,913	873,240,405

Table 7: Analysis of Primary Causes with 5 or more Clinical Claims Closed (or settled as a PPO) between financial years 2013/14 and 2021/22 with a damages payment where the Specialty is 'Gastroenterology' (includes the damages paid to date for any claims settled on a periodical payment order basis).

FOI View	Closed Settled
Clinical	(All)
Claim_Outcome	Successful
Speciality1L1	Gastroenterology

Primary Causes	No. of Claims	Damages Paid	IS Legal Costs	Paant Legal Costs	Total Paid
25 Primary Causes (with less than 5 Claims)	61	3,313,165	569,672	2,279,318	6,162,156
Fail / Delay Treatment	312	23,278,302	3,732,619	16,740,705	43,751,625
Failure/Delay Diagnosis	290	27,657,956	4,458,817	17,434,340	49,551,113
Intra-Op Problems	80	8,922,794	1,168,020	5,047,187	15,138,001
Inappropriate Treatment	77	6,015,180	975,286	4,404,126	11,394,592
Inadequate Nursing Care	60	1,648,265	263,448	1,406,244	3,317,957
Fail To Recog. Complication Of	48	3,974,925	671,309	2,549,423	7,195,656
Failure To Perform Tests	43	2,939,347	469,032	2,408,357	5,816,736
Operator Error	41	3,035,606	303,993	1,723,933	5,063,532
Fail To Follow-Up Arrangements	35	2,382,289	239,109	1,170,503	3,791,900
Medication Errors	34	1,385,430	218,028	1,316,596	2,920,054
Fail To Act On Abnorm Test Res	32	3,671,630	284,481	1,398,075	5,354,186
Fail To Warn-Informed Consent	32	4,570,626	625,162	2,251,733	7,447,521
Delay In Performing Operation	32	3,865,778	434,804	1,645,022	5,945,604
Wrong Diagnosis	18	1,582,634	245,991	904,212	2,732,838
Perform. Of Op. Not Indicated	15	715,022	271,812	819,743	1,806,577
Foreign Body Left In Situ	11	184,750	29,407	261,913	476,070
Fail To Infrm Test Rslts	11	226,360	155,974	726,503	1,108,837
Failure To Perform Operation	11	1,891,452	164,918	768,190	2,824,560
Err With Agnt/Dose/Route/Selec	10	3,910,250	194,017	572,750	4,677,017
Fail To Supervise	9	568,610	83,857	443,671	1,096,138
Diathermy Burns/react. To Prep	8	638,470	117,516	516,000	1,271,986
Other	8	242,098	58,465	297,849	598,412
Retained Instrument Post-Operation	8	127,965	56,481	154,250	338,696
Lack Of Assistance/Care	7	176,524	19,734	208,145	404,403
Infusion Problems	6	90,300	20,348	125,189	235,837
Equipment Malfunction	6	68,737	24,806	107,197	200,741
Lack Of Pre-Op Evaluation	5	308,063	61,285	180,850	550,198
Failure To X-Ray	5	292,805	49,574	317,100	659,479
Grand Total	1,315	107,685,332	15,967,968	68,179,123	191,832,423

Table 8: Analysis of Primary Causes with 5 or more Clinical Claims Closed (or settled as a PPO) between financial years 2013/14 and 2021/22 with a damages payment where the Specialty is 'General surgery' (includes the damages paid to date for any claims settled on a periodical payment order basis).

FOI View	Closed Settled
Clinical	(All)
Claim_Outcome	Successful
Speciality1L1	General Surgery

Primary Causes	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
16 Primary Causes (with less than 5 claims or less than £5000 in payments)	38	2,494,503	426,001	1,710,735	4,631,239
Fail / Delay Treatment	1,109	101,352,032	14,357,655	65,882,995	181,592,683
Intra-Op Problems	756	89,575,476	11,175,115	50,138,007	150,888,597
Failure/Delay Diagnosis	742	84,062,777	11,907,526	49,002,764	144,973,067
Inappropriate Treatment	549	41,029,087	5,812,853	23,301,225	70,143,165
Operator Error	357	29,882,435	3,459,437	17,077,024	50,418,895
Inadequate Nursing Care	260	9,137,652	1,504,199	7,509,824	18,151,675
Fail To Warn-Informed Consent	251	22,331,969	3,598,302	15,188,764	41,119,035
Fail To Recog. Complication Of	240	19,203,947	3,716,479	15,699,413	38,619,838
Foreign Body Left In Situ	192	3,916,294	592,727	4,128,369	8,637,390
Delay In Performing Operation	154	18,224,071	2,229,241	10,722,778	31,176,091
Failure To Perform Tests	99	9,474,139	1,403,808	6,355,415	17,233,361
Failed Infection Control Policy/Hospital Hygiene	92	1,926,400	87,163	1,398,062	3,411,625
Fail To Follow-Up Arrangements	83	6,355,028	825,301	3,481,630	10,661,960
Failure To Perform Operation	76	3,755,121	604,382	3,423,389	7,782,891
Medication Errors	71	1,563,312	421,599	2,014,029	3,998,940
Diathermy Burns/react. To Prep	67	1,853,135	223,075	1,543,171	3,619,381
Fail To Act On Abnorm Test Res	64	4,700,350	542,495	2,724,592	7,967,437
Perform. Of Op. Not Indicated	58	4,697,414	694,531	3,022,819	8,414,763
Wrong Diagnosis	53	2,056,465	363,656	2,195,147	4,615,268
Lack Of Assistance/Care	47	956,455	240,353	1,129,498	2,326,306
Inappropriate Discharge	44	3,692,025	584,346	2,679,518	6,955,889
Inadequate Monitoring Intra-Op	42	2,305,275	549,781	2,266,479	5,121,536
Fail To Supervise	32	1,387,597	197,361	1,029,076	2,614,034
Err With Agnt/Dose/Route/Selec	31	4,732,392	344,899	1,942,187	7,019,478
Retained Instrument Post-Operation	29	906,698	87,836	680,785	1,675,319
Other	29	1,474,167	163,447	908,632	2,546,246
Wrong Site Surgery	28	545,471	70,799	469,276	1,085,546
Fail To Carry Out PO Observs.	28	2,006,525	428,309	2,221,801	4,656,635
Equipment Malfunction	28	3,312,517	232,322	820,733	4,365,572
Lack Of Pre-Op Evaluation	24	4,430,352	464,885	1,654,628	6,549,866
Failure To Interpret X-Ray	23	1,489,640	161,444	816,486	2,467,570
Bacterial Infection	19	2,409,754	459,715	1,585,300	4,454,769
Fail/Delay Referring To Hosp.	14	3,135,804	272,661	766,461	4,174,926
Failure To X-Ray	12	348,873	60,199	320,311	729,383
Assault, Etc By Hospital Staff	9	249,719	27,746	113,262	390,727
Wrong Site Surgery	8	1,135,682	42,427	317,109	1,495,218
Fail To Infrm Test Rslts	8	104,334	19,858	165,900	290,092
Unexpected Death	7	595,500	71,541	381,520	1,048,561
Application Of Excess Force	7	385,091	51,821	288,000	724,912
Probs With Medical Records	7	225,750	61,893	238,700	526,343
Failed Sterilisation	7	86,680	38,723	191,154	316,558
Incorrect Injection Site	6	79,412	35,638	258,659	373,709
Fail To Interpret USS	6	692,555	80,444	437,874	1,210,872
Infusion Problems	6	94,595	55,250	123,190	273,035
Inapprop. Case Selection	6	565,213	72,383	262,100	899,696
Cross Infection	6	248,342	81,242	357,327	686,911
Fail/Delay Avail Op Thtre	5	105,500	10,104	87,792	203,396
Grand Total	5,829	495,293,522	68,912,970	309,033,913	873,240,405

Table 9: Number and Cost of Clinical Claims Closed (or settled as a PPO) between financial years 2013/14 and 2021/22 with a damages payment where the Specialty is 'General surgery' or 'Gastroenterology' (includes the damages paid to date for any claims settled on a periodical payment order basis). Broken down by Litigation Status.

FOI View	Closed Settled
Clinical	Clinical
Claim_Outcome	Successful

Specialty	Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
-----Litigated Status						
Gastroenterology		1,315	107,685,332	15,967,968	68,179,123	191,832,423
Litigated		555	75,562,045	12,900,628	50,023,187	138,485,861
	2013/14	32	6,596,433	848,016	3,564,400	11,008,849
	2014/15	42	6,822,075	872,382	4,266,408	11,960,865
	2015/16	44	2,564,773	645,983	2,978,662	6,189,417
	2016/17	71	4,611,858	1,035,109	4,879,916	10,526,883
	2017/18	83	9,842,078	1,748,279	8,477,609	20,067,965
	2018/19	67	11,490,126	1,761,164	7,043,526	20,294,815
	2019/20	77	9,907,088	1,881,496	6,448,748	18,237,331
	2020/21	68	12,093,628	1,960,948	5,921,674	19,976,251
	2021/22	71	11,633,986	2,147,252	6,442,245	20,223,483
Not Litigated		760	32,123,288	3,067,340	18,155,936	53,346,563
	2013/14	55	2,172,221	144,448	1,377,210	3,693,879
	2014/15	54	1,556,098	118,839	1,038,790	2,713,727
	2015/16	54	1,687,817	144,863	1,144,714	2,977,394
	2016/17	77	2,034,477	258,033	1,732,816	4,025,327
	2017/18	89	4,035,848	355,331	1,808,608	6,199,787
	2018/19	89	3,137,046	349,425	2,088,513	5,574,984
	2019/20	112	3,336,958	367,682	2,140,207	5,844,847
	2020/21	105	5,627,803	716,225	2,804,619	9,148,647
	2021/22	125	8,535,019	612,493	4,020,460	13,167,972
General Surgery		5,829	495,293,522	68,912,970	309,033,913	873,240,405
Litigated		2,497	369,394,271	57,500,759	233,005,584	659,900,614
	2013/14	233	30,627,121	4,083,111	16,767,493	51,477,725
	2014/15	239	26,757,534	3,792,174	18,182,707	48,732,415
	2015/16	270	28,625,639	5,156,220	23,844,262	57,626,120
	2016/17	391	48,746,882	7,966,648	40,276,471	96,990,001
	2017/18	312	44,788,523	7,520,865	32,389,915	84,699,303
	2018/19	282	49,114,507	6,967,180	26,214,475	82,296,162
	2019/20	272	47,193,703	7,843,801	25,950,914	80,988,417
	2020/21	265	46,948,897	6,676,629	24,577,169	78,202,694
	2021/22	233	46,591,466	7,494,132	24,802,178	78,887,776
Not Litigated		3,332	125,899,251	11,412,211	76,028,328	213,339,791
	2013/14	373	12,452,572	1,048,596	7,768,978	21,270,146
	2014/15	338	12,756,399	1,012,721	7,501,744	21,270,863
	2015/16	352	11,217,688	1,201,927	7,913,146	20,332,761
	2016/17	355	13,141,442	1,243,693	8,562,189	22,947,324
	2017/18	412	11,817,341	1,018,351	7,219,382	20,055,075
	2018/19	334	10,396,712	887,744	6,541,578	17,826,034
	2019/20	427	14,731,630	1,317,301	9,228,454	25,277,385
	2020/21	328	18,333,203	1,489,420	9,004,091	28,826,714
	2021/22	413	21,052,263	2,192,457	12,288,768	35,533,488
Grand Total		7,144	602,978,855	84,880,938	377,213,036	1,065,072,828

Table 10: Number and Cost of Clinical Claims that went to trial Closed (or settled as a PPO) between financial years 2013/14 and 2021/22 with a damages payment where the Specialty is 'General surgery' or 'Gastroenterology' (includes the damages paid to date for any claims settled on a periodical payment order basis).

FOI View	Closed Settled
Clinical	Clinical
Claim_Outcome	Successful

-----Year of Closure (Settlement Year for PPOs) -----Went to Trial	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Gastroenterology	1,315	107,685,332	15,967,968	68,179,123	191,832,423
Yes					
2019/20	#	#	#	#	#
2020/21	#	#	#	#	#
No					
2013/14	87	8,768,654	992,464	4,941,610	14,702,729
2014/15	96	8,378,173	991,221	5,305,198	14,674,592
2015/16	98	4,252,590	790,845	4,123,376	9,166,811
2016/17	148	6,646,335	1,293,143	6,612,732	14,552,210
2017/18	172	13,877,925	2,103,610	10,286,217	26,267,752
2018/19	156	14,627,172	2,110,589	9,132,039	25,869,799
2019/20	188	13,201,546	2,209,160	8,503,955	23,914,660
2020/21	172	17,616,431	2,657,767	8,615,266	28,889,464
2021/22	196	20,169,006	2,759,745	10,462,704	33,391,455
General Surgery	5,829	495,293,522	68,912,970	309,033,913	873,240,405
Yes					
2013/14	#	#	#	#	#
2014/15	#	#	#	#	#
2015/16	#	#	#	#	#
2016/17	5	3,360,561	664,664	4,887,125	8,912,350
2017/18	#	#	#	#	#
2018/19	#	#	#	#	#
2019/20	5	1,458,187	547,896	1,200,309	3,206,391
2021/22	#	#	#	#	#
No					
2013/14	603	42,878,542	4,984,985	24,325,471	72,188,998
2014/15	575	38,972,356	4,602,866	25,099,917	68,675,139
2015/16	619	39,233,513	6,097,671	31,297,408	76,628,592
2016/17	741	58,527,763	8,545,678	43,951,534	111,024,975
2017/18	720	55,299,371	8,054,323	38,001,797	101,355,491
2018/19	614	59,497,815	7,777,659	32,736,053	100,011,527
2019/20	694	60,467,146	8,613,206	33,979,059	103,059,411
2020/21	593	65,282,100	8,166,049	33,581,260	107,029,409
2021/22	645	67,542,553	8,878,680	36,423,617	112,844,851
Grand Total	7,144	602,978,855	84,880,938	377,213,036	1,065,072,828