



Resolution

2nd Floor
151 Buckingham Palace Road
London
SW1W 9SZ
Telephone: 020 7811 2700

September 2020
FOI_4638

The following information was requested on 17 June 2020:

Yes that information pertaining to Diathermy Burn / reaction to prep would be most helpful. I am interested in the number of cases across the entire NHS and the subsequent costs associated if possible. If that could be provided for the past 5-10 years, that would be great.

Additionally I would be interested to see whether they contained any information regarding the use of a tourniquet. Would it be possible to subsequently sift those cases with a keyword of tourniquet?

Our Response

Please find attached the requested information which relates to closed claims relating to Diathermy Burn/ react. To Prep.

Please note that NHS Resolution is unable to provide any information around the Tourniquet, as we do not provide data on key word searches.

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 Tourniquet 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.

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](#), 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/>

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 and Cost of Claims Closed/Settled where Primary Cause is "Diathermy Burn / reaction to prep" with damages paid between financial years 2008/09 - 2018/19.

Please note that NHS Resolution is unable to provide any information around the Tourniquet, as we do not provide data on key word searches.

Table 1: Number and Cost of Claims Closed/Settled where Primary Cause is "Diathermy Burn / reaction to prep" with damages paid between financial years 2008/09 - 2018/19.

Please note that NHS Resolution is unable to provide any information around the Tourniquet, as we do not provide data on key word searches.

Closed_Settled	Y
Clinical_NonClinical	(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
2008/09	9	90,950	28,397	104,259	223,606
2009/10	14	183,144	17,297	147,719	348,160
2010/11	26	563,325	62,649	353,591	979,565
2011/12	22	504,050	111,262	508,610	1,123,922
2012/13	32	761,914	49,407	397,476	1,208,797
2013/14	30	1,168,166	103,504	693,360	1,965,030
2014/15	32	431,137	48,851	503,170	983,158
2015/16	31	413,152	49,718	444,633	907,503
2016/17	48	633,050	88,334	822,228	1,543,612
2017/18	28	651,263	155,843	886,987	1,694,093
2018/19	39	1,058,634	165,999	860,135	2,084,768
Grand Total	311	6,458,785	881,262	5,722,167	13,062,214