



Resolution

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FOI_5135

The following information was requested on 30 July 2021:

I would like to look at the number of claims (and costs) per year related to consent in the last 10 years across General Surgery - would it please be possible to obtain this data?

[Clarification Sought - To help us better understand your query, please refer to one of our previous responses at the following link:

https://resolution.nhs.uk/wp-content/uploads/2021/06/FOI_5004_General-Surgery.pdf]

I am specifically interested in the claims termed "failure to warn - consent" of which there appear to be 247. Is it possible to classify these by year also and obtain a breakdown of settlement cost per year also please?

Our Response

Please find attached the requested information. This information only covers England and not the rest of the UK.

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.

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

The data shows an increase in damages paid in relation to claims closed in the financial years 2019/20 and 2020/21. This is a reflection of the nature of individual claims received by NHS Resolution which can vary significantly. As such these fluctuations cannot be interpreted as trends. The data provided in table 2 reflects the number of claims closed in each financial year (or settled with a periodical payment order) with damages paid and not the number of claims received in that year by NHS Resolution. 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.

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 2011/12 to 2020/21 within general surgery where the primary cause was Fail To Warn-Informed Consent](#)

[Table 2: Number and Cost of Claims Closed between financial years 2011/12 to 2020/21 with a damages payment within general surgery where the primary cause was Fail To Warn-Informed Consent settled \(includes the damages paid to date for any claims settled on a periodical payment order basis\)](#)

Table 1: Number of Claims received between financial years 2011/12 to 2020/21 within general surgery where the primary cause was Fail To Warn-Informed Consent

Notifications Scheme	Y CNST
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Year of Notification	No. of Claims
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	85
Grand Total	580

Table 2: Number and Cost of Claims Closed between financial years 2011/12 to 2020/21 with a damages payment within general surgery where the primary cause was Fail To Warn-Informed Consent settled (includes the damages paid to date for any claims settled on a periodical payment order basis)

Closed_Settled	Y
Scheme	CNST
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
2011/12	18	1,199,645	277,545	985,367	2,462,557
2012/13	25	1,363,300	208,788	1,056,455	2,628,543
2013/14	14	1,050,668	158,521	799,673	2,008,861
2014/15	17	1,303,316	114,375	657,994	2,075,685
2015/16	24	2,414,599	499,538	1,979,335	4,893,473
2016/17	22	2,180,992	383,149	1,907,495	4,471,636
2017/18	22	1,657,406	308,788	1,403,184	3,369,379
2018/19	26	1,414,378	373,463	1,319,502	3,107,343
2019/20	44	4,380,691	492,712	2,569,085	7,442,488
2020/21	30	4,114,640	553,861	2,126,424	6,794,925
Grand Total	242	21,079,635	3,370,740	14,804,514	39,254,889