



# Resolution

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December 2023  
FOI\_6244

The following information was requested on 23 October 2023:

*In accordance with the Freedom of Information Act 2000, please may I request the following information for each of the following years: 2017/2018, 2018/2019, 2019/2020, 2020/2021, 2021/2022 2022/2023 and 2023/2024 (so-far, up until date of FOI request (23/10/2023)):*

- Number of claims brought for clinical negligence for cancer for misdiagnosis with Imperial College Healthcare NHS Trust as the defendant. To include specialty and primary cause.*
- Number of claims brought for clinical negligence for cancer for misdiagnosis with The Royal Marsden NHS Foundation Trust as the defendant. To include specialty and primary cause.*
- Number of claims settled for clinical negligence for cancer for misdiagnosis with Imperial College Healthcare NHS Trust as the defendant to include specialty and primary cause.*
- Number of claims settled for clinical negligence for cancer for misdiagnosis with The Royal Marsden NHS Foundation Trust as the defendant to include specialty and primary cause. To include numbers settled with associated costs if available.*

*Note – I would ideally like to request numbers surrounding 'misdiagnosis' and 'delayed diagnosis'*

*I would accept **high level data** as offered in [FOI 6176](#).*

## Our Response

We are able to provide information in complete financial years. The data for the financial year 2023/24 is currently unavailable. It will be available on request from July 2024.

Please find attached the requested information for the financial years 2017/18 – 2022/23.

**Please note** we have provided you with the high-level claims data for the respective NHS Trusts specified in your request. We have focused on those claims where at least one of the injury codes is either: 'Advanced Stage Cancer' **or** 'Cancer'. We believe this is the best way in order for you to be able to obtain data that does not require redaction. We have reviewed the search results for these claims and there was an element of a delay in diagnosis involved in those claims. A claim can be multi-factorial (caused by a number of sequence of events) and/or settled on a number of bases.

Due to the number of claims involved we have not broken down the table further by Year, Specialty or Cause as it would lead to low values and they would need to be redacted.

Please note claims notified/received and open are not guaranteed to be settled and/or closed 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.

Due to the way in which data is extracted, it is also possible that the same claim may appear more than once in a dataset, across different year groups e.g., where the case has been closed (as unsuccessful), challenged, reopened, and closed again at conclusion.

**Table 1 shows:** - Number of Clinical Claims and Incidents received for **Imperial College Healthcare NHS Trust** and **Royal Marsden NHS Foundation Trust** between financial years 2017/18 and 2022/23, where at least one of the Injury codes is 'Advanced Stage Cancer' or 'Cancer'.

**Table 2 shows:** - Number Clinical Claims Closed for **Imperial College Healthcare NHS Trust** between financial years 2017/18 and 2022/23, with a damages payment where at least one of the Injury codes is 'Advanced Stage Cancer' or 'Cancer'.

**Table 3 shows:** - Number Clinical Claims Closed for **Imperial College Healthcare NHS Trust** between financial years 2017/18 and 2022/23 with **NIL** damages paid, where at least one of the Injury codes is 'Advanced Stage Cancer' or 'Cancer'.

**Table 4 shows:** - Number Clinical Claims Closed for **Royal Marsden NHS Foundation Trust** between financial years 2017/18 and 2022/23, with a damages payment where at least one of the Injury codes is 'Advanced Stage Cancer' or 'Cancer'.

**Table 5 shows:** - Number Clinical Claims Closed for **Royal Marsden NHS Foundation Trust** between financial years 2017/18 and 2022/23 with **NIL** damages paid, where at least one of the Injury codes is 'Advanced Stage Cancer' or 'Cancer'.

### **Low Numbers**

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 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.

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/>

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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 Clinical Claims and Incidents received for Imperial College Healthcare NHS Trust and Royal Marsden NHS Foundation Trust between financial years 2017/18 and 2022/23, where at least one of the Injury codes is 'Advanced Stage Cancer' or 'Cancer'.

Table 2: Number Clinical Claims Closed with a damages payment for Imperial College Healthcare NHS Trust between financial years 2017/18 and 2022/23, where at least one of the Injury codes is 'Advanced Stage Cancer' or 'Cancer'.

Table 3: Number Clinical Claims Closed for Imperial College Healthcare NHS Trust between financial years 2017/18 and 2022/23 with NIL damages paid, where at least one of the Injury codes is 'Advanced Stage Cancer' or 'Cancer'.

Table 4: Number Clinical Claims Closed with a damages payment for Royal Marsden NHS Foundation Trust between financial years 2017/18 and 2022/23, where at least one of the Injury codes is 'Advanced Stage Cancer' or 'Cancer'.

Table 5: Number Clinical Claims Closed for Royal Marsden NHS Foundation Trust between financial years 2017/18 and 2022/23 with NIL damages paid, where at least one of the Injury codes is 'Advanced Stage Cancer' or 'Cancer'.

Table 1: Number of Clinical Claims and Incidents received for Imperial College Healthcare NHS Trust and Royal Marsden NHS Foundation Trust between financial years 2017/18 and 2022/23, where at least one of the Injury codes is 'Advanced Stage Cancer' or 'Cancer'.

|          |          |
|----------|----------|
| FOI View | Notified |
| Clinical | Clinical |

| Trust Name                               | Injury                | No. of Claims |
|------------------------------------------|-----------------------|---------------|
| Imperial College Healthcare NHS Trust    | Advanced Stage Cancer | 9             |
|                                          | Cancer                | 15            |
| Royal Marsden NHS Foundation Trust (The) | Advanced Stage Cancer | 7             |
|                                          | Cancer                | #             |



**Table 2: Number Clinical Claims Closed with a damages payment for Imperial College Healthcare NHS Trust between financial years 2017/18 and 2022/23, where at least one of the Injury codes is 'Advanced Stage Cancer' or 'Cancer'.**

|               |                                       |
|---------------|---------------------------------------|
| FOI View      | Closed Settled                        |
| Clinical      | Clinical                              |
| Claim_Outcome | Successful                            |
| Trust Name    | Imperial College Healthcare NHS Trust |

| Injury                | No. of Claims | Damages Paid     | NHS Legal Costs Paid | Claimant Legal Costs Paid | Total Paid       |
|-----------------------|---------------|------------------|----------------------|---------------------------|------------------|
| Advanced Stage Cancer | 9             | 1,049,646        | 91,050               | 485,250                   | 1,625,946        |
| Cancer                | 9             | 2,927,108        | 205,714              | 1,039,650                 | 4,172,472        |
| <b>Grand Total</b>    | <b>18</b>     | <b>3,976,754</b> | <b>296,764</b>       | <b>1,524,900</b>          | <b>5,798,418</b> |

**Table 3: Number Clinical Claims Closed for Imperial College Healthcare NHS Trust between financial years 2017/18 and 2022/23 with NIL damages paid, where at least one of the Injury codes is 'Advanced Stage Cancer' or 'Cancer'.**

|               |                                       |
|---------------|---------------------------------------|
| FOI View      | Closed Settled                        |
| Clinical      | Clinical                              |
| Claim_Outcome | Unsuccessful                          |
| Trust Name    | Imperial College Healthcare NHS Trust |

| Injury                | No. of Claims |
|-----------------------|---------------|
| Advanced Stage Cancer | #             |
| Cancer                | 6             |

Table 4: Number Clinical Claims Closed with a damages payment for Royal Marsden NHS Foundation Trust between financial years 2017/18 and 2022/23, where at least one of the Injury codes is 'Advanced Stage Cancer' or 'Cancer'.

|               |                                          |
|---------------|------------------------------------------|
| FOI View      | Closed Settled                           |
| Clinical      | Clinical                                 |
| Claim_Outcome | Successful                               |
| Trust Name    | Royal Marsden NHS Foundation Trust (The) |

| Injury                | No. of Claims | Damages Paid | NHS Legal Costs Paid | Claimant Legal Costs Paid |
|-----------------------|---------------|--------------|----------------------|---------------------------|
| Advanced Stage Cancer | 7             | 1,214,522    | 70,374               | 629,500                   |
| Cancer                | #             | #            | #                    | #                         |

**Table 5: Number Clinical Claims Closed for Royal Marsden NHS Foundation Trust between financial years 2017/18 and 2022/23 with NIL damages paid, where at least one of the Injury codes is 'Advanced Stage Cancer' or 'Cancer'.**

|               |                                          |
|---------------|------------------------------------------|
| FOI View      | Closed Settled                           |
| Clinical      | Clinical                                 |
| Claim_Outcome | Unsuccessful                             |
| Trust Name    | Royal Marsden NHS Foundation Trust (The) |

| Injury                | No. of Claims |
|-----------------------|---------------|
| Advanced Stage Cancer | #             |