



Resolution

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December 2023
FOI_6326

The following information was requested on 13 December 2023:

*I would like to make a request under the Freedom of Information Act please.
I would like to make the same request that you answered last year [here](#) again, but with 2022-23
and 2023-24 year-to-date data please.*

https://resolution.nhs.uk/wp-content/uploads/2022/11/FOI_5596_Failure-Delay-Diagnosis-misdiagnoses-cancer.pdf

Our Response

Please find attached the requested information we are able to provide. Please note that the data for the financial year 2023/24 is currently unavailable. This information will be available on request from July 2024.

Please note: 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>.

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 and close. They are not guaranteed to be settled and closed in the same year. As such, there will be a time gap between incident and claim closure.

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 nil damages payment), challenged, reopened and closed again at conclusion.

Please also note that the data shows a variation in the number of claims received during this period. 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 shows variation in numbers of cases closed per year and costs attributed to those claims. This is a reflection of the nature of individual claims received and resolved by NHS Resolution, which can vary significantly. As such, these fluctuations cannot be interpreted as trends.

Table 1 shows: - Number and damages payment for Clinical Claims Closed with a damages payment or Settled with a periodical payment order in the financial year 2022/23 where the Primary or Secondary cause is '**Failure/Delay Diagnosis**'. The data includes the damages paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

Table 2 shows: - Analysis of trusts (with 10 or more claims) for Clinical Claims closed with a damages payment or settled with a periodical payment order in the financial year 2022/23, where the primary or secondary cause is '**Failure/Delay Diagnosis**'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

Please note Claims recorded against the Department of Health and Social Care (showing as Department of Health) include liabilities arising from defunct NHS organisations, which transferred to the Secretary of State for Health and Social Care when those organisations were abolished. These also include NHS clinical negligence claims made against current and former GP members of medical defence organisations (currently MDDUS and MPS only) in respect of liabilities incurred before 1 April 2019. These are managed under ELSGP. Please see our website for details ([Existing Liabilities Scheme for General Practice - NHS Resolution](#)).

Please note: this table should not be interpreted as a league table. Larger member organisations and those which provide more complex treatments may receive more claims than smaller organisations or those providing low risk care. Inevitably, different institutions face different levels of risk because of the variations in the nature and complexity of the procedures they perform.

Table 3 shows: - Number and cost of Clinical Claims Closed with a damages payment in the financial year 2022/23, where the primary or secondary cause is '**Failure/Delay Diagnosis**' and at least one of the injury codes is '**cancer**', '**advanced stage cancer**' or '**malignant tumour**'.

Table 4 shows: - Analysis of trusts (with 5 or more claims) for Clinical Claims Closed with a damages payment in the financial year 2022/23, where the primary or secondary cause is '**Failure/Delay Diagnosis**' and at least one of the injury codes is '**cancer**', '**advanced stage cancer**' or '**malignant tumour**'.

PPOs

The information disclosed includes damages and costs paid up to the end of the settlement year (in Periodical payment order (PPO) cases) and up to the end of the closure year in non-PPO cases.

PPOs are an agreement between the parties, to pay an initial lump sum and regular future payments (PPO damages) related to the injured party's ongoing needs, usually care for life i.e., a percentage of the full value of the claim is paid at the point of settlement (lump sum damages) with the balance paid at regular intervals over subsequent years. The information disclosed includes lump sum damages, costs and any PPO damages paid up to the end of the year of settlement. It does not include PPO damages, which have been committed to but due to be paid after the settlement year.

Low figures

We have suppressed low figures involved 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 FOI 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.

Please refer to [Understanding NHS Resolution data](#) guidance for further details on how our Claims database is categorised.

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 and Cost of Claims Closed with a damages payment or Settled with a periodical payment order in the financial year 2022/23 where the Primary or Secondary cause is 'Failure/Delay Diagnosis'. The data includes the damages paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

Table 2: Analysis of trusts (with 10 or more claims) for Claims closed with a damages payment or settled with a periodical payment order in the financial year 2022/23, where the primary or secondary cause is 'Failure/Delay Diagnosis'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

Table 3: Number and cost of Claims Closed with a damages payment in the financial year 2022/23, where the primary or secondary cause is 'Failure/Delay Diagnosis' and at least one of the injury codes is 'cancer', 'advanced stage cancer' or 'malignant tumour'.

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Table 1: Number and Cost of Claims Closed with a damages payment or Settled with a periodical payment order in the financial year 2022/23 where the Primary or Secondary cause is 'Failure/Delay Diagnosis'. The data includes the damages paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

FOI View	Closed Settled
Claim_Outcome	Successful

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid
2022/23	1,913	343,590,013
Grand Total	1,913	343,590,013

Table 2: Analysis of trusts (with 10 or more claims) for Claims closed with a damages payment or settled with a periodical payment order in the financial year 2022/23, where the primary or secondary cause is 'Failure/Delay Diagnosis'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

FOI View	Closed Settled
Claim_Outcome	Successful

Member Name	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Department of Health					
ELSGP	244	21,925,099	3,873,762	14,156,368	39,955,229
DH CL	#	#	#	#	#
NHS Commissioning Board	51	1,055,898	210,032	1,085,399	2,351,329
Northern Care Alliance NHS Foundation Trust	49	11,108,011	1,345,827	4,469,527	16,923,365
United Lincolnshire Hospitals NHS Trust	39	3,705,330	321,902	1,710,619	5,737,851
Mid and South Essex NHS Foundation Trust	37	9,001,587	943,054	3,612,008	13,556,648
Hull University Teaching Hospitals NHS Trust	33	6,189,363	530,732	2,372,593	9,092,687
Mid Yorkshire Hospitals NHS Trust (The)	32	4,595,838	529,734	1,927,241	7,052,814
University Hospitals Birmingham NHS Foundation Trust	30	10,308,704	937,919	2,652,563	13,899,186
Barts Health NHS Trust	27	8,173,316	680,005	2,200,200	11,053,521
Worcestershire Acute Hospitals NHS Trust	26	2,877,961	333,400	1,381,434	4,592,795
County Durham and Darlington NHS Foundation Trust	26	1,676,675	299,026	1,180,256	3,155,956
Royal Free London NHS Foundation Trust	26	11,143,246	579,444	2,177,975	13,900,665
Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust	25	3,146,852	258,148	1,344,635	4,749,635
University Hospitals Sussex NHS Foundation Trust	24	18,360,136	941,117	3,460,550	22,761,803
Shrewsbury and Telford Hospital NHS Trust	23	5,677,665	735,596	2,287,715	8,700,976
Northern Lincolnshire & Goole Hospitals NHS Foundation Trust	23	1,806,139	148,641	873,912	2,828,692
Lewisham & Greenwich NHS Trust	23	1,073,658	273,265	1,076,163	2,423,086
Bedfordshire Hospitals NHS Foundation Trust	22	1,317,761	295,633	1,300,000	2,913,395
University Hospitals Coventry & Warwickshire NHS Trust	22	5,577,603	401,865	1,473,010	7,452,478
The Leeds Teaching Hospitals NHS Trust	21	1,499,641	200,514	1,050,982	2,751,137
Medway NHS Foundation Trust	20	1,787,717	320,024	1,383,311	3,491,052
Nottingham University Hospitals NHS Trust	20	6,200,710	419,910	1,135,892	7,756,511
Liverpool University Hospitals NHS Foundation Trust	20	3,251,030	301,873	1,428,200	4,981,103
East Kent Hospitals University NHS Foundation Trust	20	4,058,835	456,348	1,608,438	6,123,621
North West Anglia NHS Foundation Trust	20	1,187,818	67,329	687,190	1,942,337
York and Scarborough Teaching Hospitals NHS Foundation Trust	20	1,221,207	161,193	974,194	2,356,594
Manchester University NHS Foundation Trust	19	5,473,439	276,215	1,518,199	7,267,854
Northampton General Hospital NHS Trust	19	1,478,995	280,989	1,128,691	2,888,676
Barnsley Hospital NHS Foundation Trust	19	2,267,718	419,350	1,292,725	3,979,793
Barking, Havering and Redbridge University Hospitals NHS Trust	19	2,064,528	257,497	912,317	3,234,342
University Hospitals of Leicester NHS Trust	18	1,843,135	121,808	880,344	2,845,286
South Tyneside and Sunderland NHS Foundation Trust	18	2,377,543	282,847	1,283,475	3,943,865
Frimley Health NHS Foundation Trust	17	12,108,115	381,100	1,386,899	13,876,114
Sherwood Forest Hospitals NHS Foundation Trust	17	1,761,724	139,075	594,448	2,495,246
Oxford University Hospitals NHS Foundation Trust	17	903,692	206,495	904,680	2,014,867
Norfolk & Norwich University Hospitals NHS Foundation Trust	17	1,055,850	98,380	661,543	1,815,773
Northumbria Healthcare NHS Foundation Trust	16	1,911,248	339,620	1,043,719	3,294,586
St Helens and Knowsley Teaching Hospitals NHS Trust	16	2,382,995	279,902	778,034	3,440,932
Buckinghamshire Healthcare NHS Trust	16	4,105,997	218,207	1,171,500	5,495,705
Royal Devon University Healthcare NHS Foundation Trust	16	3,506,145	219,722	911,709	4,637,575
South Tees Hospitals NHS Foundation Trust	14	1,699,631	267,223	821,382	2,788,236
Wirral University Teaching Hospital NHS Foundation Trust	14	3,691,245	207,497	959,401	4,858,143
Dartford and Gravesham NHS Trust	14	1,273,630	127,162	1,014,587	2,415,380
Sandwell & West Birmingham Hospitals NHS Trust	14	871,009	126,624	732,653	1,730,285
Lancashire Teaching Hospitals NHS Foundation Trust	14	1,393,202	225,342	709,905	2,328,449
Sheffield Teaching Hospitals NHS Foundation Trust	14	12,317,105	367,864	1,281,018	13,965,987
Newcastle Upon Tyne Hospitals NHS Foundation Trust (The)	14	5,915,184	510,354	1,861,665	8,287,203
Chelsea & Westminster Hospital NHS Foundation Trust	13	2,311,988	277,976	981,033	3,570,996
University Hospitals Bristol & Weston NHS Foundation Trust	13	2,086,580	224,860	994,974	3,306,414
Hampshire Hospitals NHS Foundation Trust	13	2,880,289	303,011	979,872	4,163,172
Dudley Group NHS Foundation Trust (The)	12	407,169	113,748	608,732	1,129,648
University Hospitals of North Midlands NHS Trust	12	488,845	156,466	406,667	1,051,978
The Rotherham NHS Foundation Trust	12	1,475,219	333,978	982,610	2,791,807
Gateshead Health NHS Foundation Trust	12	714,027	83,471	389,181	1,186,679
King's College Hospital NHS Foundation Trust	12	3,829,861	426,575	1,709,935	5,966,371
Royal Cornwall Hospitals NHS Trust	12	1,270,680	127,235	595,224	1,993,139
Bolton NHS Foundation Trust	12	5,218,360	333,314	1,225,903	6,777,577
Warrington and Halton Hospitals NHS Foundation Trust	11	627,245	80,185	466,685	1,174,115
East Lancashire Hospitals NHS Trust	11	1,930,209	301,777	1,000,000	3,231,987
Gloucestershire Hospitals NHS Foundation Trust	10	473,093	78,516	643,572	1,195,181
Wrightington, Wigan and Leigh NHS Foundation Trust	10	1,825,041	202,967	759,315	2,787,323
Countess of Chester Hospital NHS Foundation Trust	10	1,683,629	152,657	744,475	2,580,761
Imperial College Healthcare NHS Trust	10	7,444,146	356,307	1,164,750	8,965,203

Table 3: Number and cost of Claims Closed with a damages payment in the financial year 2022/23, where the primary or secondary cause is 'Failure/Delay Diagnosis' and at least one of the injury codes is 'cancer', 'advanced stage cancer' or 'malignant tumour'.

FOI View	Closed Settled
Claim_Outcome	Successful
Cancer/ Malignant Tumour	Y

Year of Closure	No. of Claims	Damages Paid
2022/23	319	35,885,295
Grand Total	319	35,885,295

Table 4: Analysis of trusts (with 5 or more claims) for Claims Closed with a damages payment in the financial year 2022/23, where the primary or secondary cause is 'Failure/Delay Diagnosis' and at least one of the injury codes is 'cancer', 'advanced stage cancer' or 'malignant tumour'

FOI View	Closed Settled
Claim_Outcome	Successful
Cancer/ Malignant Tumour	Y

Trust Name	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Department of Health					
ELSGP	63	4,726,142	1,132,759	4,148,707	10,007,608
Royal Free London NHS Foundation Trust	9	858,181	123,518	605,500	1,587,199
NHS Commissioning Board	8	46,105	19,325	112,900	178,329
Northern Care Alliance NHS Foundation Trust	8	1,015,356	240,844	786,263	2,042,463
Northern Lincolnshire & Goole Hospitals NHS Foundation Trust	6	828,367	54,408	260,650	1,143,425
Hull University Teaching Hospitals NHS Trust	6	1,096,051	97,984	388,750	1,582,785
University Hospitals Birmingham NHS Foundation Trust	6	344,587	56,335	270,350	671,273
Warrington and Halton Hospitals NHS Foundation Trust	6	601,237	68,150	378,805	1,048,192
Worcestershire Acute Hospitals NHS Trust	5	404,708	84,314	283,250	772,272
Norfolk & Norwich University Hospitals NHS Foundation Trust	5	389,500	17,695	224,118	631,313
Shrewsbury and Telford Hospital NHS Trust	5	1,611,815	219,599	558,500	2,389,915
Northampton General Hospital NHS Trust	5	795,158	67,016	359,750	1,221,924
The Leeds Teaching Hospitals NHS Trust	5	127,126	15,697	110,250	253,073
Barnsley Hospital NHS Foundation Trust	5	166,000	29,604	151,225	346,829