NHS Resolution

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January 2024
FOI_6334

The following information was requested on 20 December 2023 and clarified on 21 December 2023:

I am a …… with an interest in medical negligence and following from "FOI_5940 cases settled by specialty" for the years 18-19 to 21-22, I wondered if you would give me a breakdown on the diagnoses or reasons for the negligence claims for dermatology and rheumatology for the same years 18-19, 19-20, 20-21, 21-22. I am comparing rheumatology with dermatology as they are similar sized overlapping specialities, yet rheumatology has roughly half the number of claims compared with dermatology but are much higher value. Thank you for your help and excellent work in NHS Resolution.

[we asked for clarification on 20 December 2023]

You have asked for breakdown of diagnoses or reasons for the negligence claims for dermatology and rheumatology.

NHS Resolution does not hold the data regarding diagnoses, but we could provide breakdown by causes and injuries.

Would you also be interested in claims value?

We can provide the data up to financial year 2022/23 – would you be interested in the data for financial years 2018/19 to 2022/23?

[clarified on 21 December 2023]

Please would you provide me with the latest data 2022/23 as well as 2019/20 to 2021/22.

Our Response

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

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 Understanding NHS Resolution data - NHS Resolution

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.

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: Number of Clinical Claims and Incidents received between financial years 2018/19 and 2022/23 where the Specialty is '**Dermatology**' or '**Rheumatology**' broken down by Notification Year.

Table 2: Number and Cost of Clinical Claims Closed with a damages payment (or settled with a periodical payment order) between financial years 2018/19 and 2022/23 where the Specialty is '**Dermatology**' or '**Rheumatology**'. 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 Clinical Claims Closed between financial years 2018/19 and 2022/23 with **NIL** damages paid where the Specialty is '**Dermatology**' or '**Rheumatology**' broken down by Closure Year.

Table 4: Analysis of Primary Injuries for Clinical Claims Closed with a damages payment between financial years 2018/19 and 2022/23 where the Specialty is **'Dermatology'**. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

Table 5: Analysis of Primary Injuries for Clinical Claims Closed with a damages payment (or settled with a periodical payment order) between financial years 2018/19 and 2022/23 where the Specialty is **'Rheumatology'**. 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 6: Analysis of Primary Causes for Clinical Claims Closed with a damages payment between financial years 2018/19 and 2022/23 where the Specialty is

'Dermatology'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

Table 7: Analysis of Primary Causes for Clinical Claims Closed with a damages payment (or settled with a periodical payment order) between financial years 2018/19 and 2022/23 where the Specialty is **'Rheumatology'**. 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.

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 not provided the information for 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.

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 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.

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Table 1: Number of Clinical Claims and Incidents received between financial years 2018/19 and 2022/23 where the Specialty is 'Dermatology' or 'Rheumatology' broken down by Notification Year.

FOI View	Notified

Year of Notification	No. of Claims
2018/19	
Dermatology	68
Rheumatology	22
2019/20	
Dermatology	71
Rheumatology	42
2020/21	
Dermatology	60
Rheumatology	34
2021/22	
Dermatology	61
Rheumatology	32
2022/23	
Dermatology	89
Rheumatology	42
Grand Total	**521**

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Table 2: Number and Cost of Clinical Claims Closed with a damages payment (or settled with a periodical payment order) between financial years 2018/19 and 2022/23 where the Specialty is 'Dermatology' or 'Rheumatology'. 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

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2018/19					
Dermatology	35	1,204,349	218,394	1,297,653	2,720,397
Rheumatology	24	3,940,259	371,234	1,323,632	5,635,125
2019/20					
Dermatology	54	2,226,358	359,115	1,584,859	4,170,331
Rheumatology	24	6,697,005	440,740	1,474,081	8,611,826
2020/21					
Dermatology	41	1,464,640	408,313	1,499,969	3,372,922
Rheumatology	20	3,260,117	394,888	1,235,206	4,890,210
2021/22					
Dermatology	41	2,589,517	354,207	1,532,122	4,475,846
Rheumatology	23	15,486,587	569,201	2,311,438	18,367,226
2022/23					
Dermatology	38	1,700,835	268,880	1,551,736	3,521,451
Rheumatology	15	4,574,032	623,457	1,755,822	6,953,311
Grand Total	**315**	**43,143,697**	**4,008,430**	**15,566,517**	**62,718,644**

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Table 3: Number and Cost of Clinical Claims Closed between financial years 2018/19 and 2022/23 with NIL damages paid where the Specialty is 'Dermatology' or 'Rheumatology' broken down by Closure Year.

FOI View	Closed Settled
Claim_Outcome	Unsuccessful

Year of Closure	No. of Claims	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2018/19				
Dermatology	32	125,562	0	125,562
Rheumatology	26	161,609	0	161,609
2019/20				
Dermatology	24	102,978	0	102,978
Rheumatology	10	35,575	0	35,575
2020/21				
Dermatology	21	51,609	0	51,609
Rheumatology	20	139,462	0	139,462
2021/22				
Dermatology	26	58,648	0	58,648
Rheumatology	14	45,279	0	45,279
2022/23				
Dermatology	31	248,616	0	248,616
Rheumatology	22	48,592	0	48,592
Grand Total	**226**	**1,017,930**	**0**	**1,017,930**

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Table 4: Analysis of Primary Injuries for Clinical Claims Closed with a damages payment between financial years 2018/19 and 2022/23 where the Specialty is 'Dermatology'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

FOI View	Closed Settled
Claim_Outcome	Successful
Speciality1L1ARA	Dermatology

Primary Injuries	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Injuries with fewer than 5 claims (20 Injuries)	**32**	**2,495,605**	**585,741**	**2,077,738**	**5,159,085**
Cancer	34	2,296,614	362,816	2,013,324	4,672,754
Scarring	30	606,555	114,478	504,226	1,225,259
Unnecessary Pain	27	1,324,128	200,809	908,197	2,433,133
Burn(s)	23	175,450	34,809	271,392	481,651
Advanced Stage Cancer	21	1,518,373	169,872	772,712	2,460,957
Adtnl/unnecessary Operation(s)	17	143,185	22,021	206,550	371,756
Fatality	12	303,900	89,447	509,750	903,097
Tissue Damage	8	224,145	8,118	135,739	368,002
Cosmetic Disfigurement	5	97,743	20,799	66,710	185,252
Grand Total	**209**	**9,185,698**	**1,608,910**	**7,466,339**	**18,260,947**

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Table 5: Analysis of Primary Injuries for Clinical Claims Closed with a damages payment (or settled with a periodical payment order) between financial years 2018/19 and 2022/23 where the Specialty is 'Rheumatology'. 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
Speciality1L1ARA	Rheumatology

Primary Injuries	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Injuries with fewer than 5 claims (27 Injuries)	**52**	**17,537,678**	**1,469,707**	**4,400,139**	**23,407,524**
Unnecessary Pain	30	2,854,288	304,156	1,572,040	4,730,483
Renal Damage/ Failure	7	473,220	140,953	447,250	1,061,423
Nerve Damage	7	397,212	74,692	208,100	680,004
Blindness	5	575,000	55,595	242,000	872,595
Amputation - Lower	5	12,120,601	354,417	1,230,650	13,705,668
Grand Total	**106**	**33,957,999**	**2,399,520**	**8,100,179**	**44,457,698**

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Table 6: Analysis of Primary Causes for Clinical Claims Closed with a damages payment between financial years 2018/19 and 2022/23 where the Specialty is 'Dermatology'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

FOI View	Closed Settled
Claim_Outcome	Successful
Speciality1L1ARA	Dermatology

Primary Causes	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Causes with fewer than 5 Claims (14 Causes)	**33**	**1,455,898**	**265,608**	**1,126,604**	**2,848,110**
Fail / Delay Treatment	47	2,106,586	492,309	1,953,955	4,552,851
Failure/Delay Diagnosis	43	2,791,966	381,570	2,021,249	5,194,785
Wrong Site Surgery	22	138,243	30,454	146,544	315,241
Fail To Follow-Up Arrangements	14	1,717,560	181,954	821,650	2,721,165
Inappropriate Treatment	13	190,432	74,914	439,550	704,896
Fail To Warn-Informed Consent	10	139,428	32,203	200,110	371,741
Inadequate Nursing Care	9	77,900	16,075	100,689	194,664
Failure To Perform Tests	6	117,985	35,262	200,780	354,027
Err With Agnt/Dose/Route/Selec	6	135,500	45,833	218,406	399,739
Wrong Diagnosis	6	314,199	52,727	236,801	603,727
Grand Total	**209**	**9,185,698**	**1,608,910**	**7,466,339**	**18,260,947**

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Table 7: Analysis of Primary Causes for Clinical Claims Closed with a damages payment (or settled with a periodical payment order) between financial years 2018/19 and 2022/23 where the Specialty is 'Rheumatology'. 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
Speciality1L1ARA	Rheumatology

Primary Causes	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Causes with fewer than 5 claims (12 Causes)	**15**	**15,347,761**	**333,465**	**1,332,987**	**17,014,213**
Failure/Delay Diagnosis	28	8,742,860	968,828	3,284,850	12,996,538
Fail / Delay Treatment	20	3,858,827	274,395	1,020,525	5,153,746
Fail To Act On Abnorm Test Res	8	1,669,165	134,035	497,656	2,300,856
Wrong Diagnosis	7	151,286	82,899	218,496	452,681
Medication Errors	6	2,887,830	293,091	821,170	4,002,090
Fail To Follow-Up Arrangements	6	457,462	93,237	239,322	790,021
Inappropriate Treatment	6	209,342	55,463	269,500	534,305
Failure To Perform Tests	5	277,468	80,545	208,150	566,162
Fail To Warn-Informed Consent	5	356,000	83,564	207,522	647,086
Grand Total	**106**	**33,957,999**	**2,399,520**	**8,100,179**	**44,457,698**