



Resolution

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FOI_6405

The following information was requested on 9 February 2024:

I am writing to request information under the Freedom of Information Act, can you please provide the following?

- 1. How many claims were made regarding misdiagnosis in the last three years? Between 2021-up to and including any data held for 2024)*
- 2. How many claims relating to misdiagnosis specifically mention cancer in the last three years?*
 - 2a) Of these claims, how many involve death/fatality?*

Our Response

Please find attached the requested information we are able to provide. Please note we only hold information for England. We are able to provide information in complete financial years. We have therefore provided information for the financial year 2020/21 – 2022/23. The information for the financial year 2023/24 is currently unavailable and will be available on request from August 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>.

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. 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. **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 unsuccessful), 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.

Table 1: Number of Clinical Claims and Incidents received between financial years 2020/21 and 2022/23 where the Primary Cause is either '**Wrong Diagnosis**' or '**Failure/Delay Diagnosis**'.

Table 2: Number of Clinical Claims and Incidents received between financial years 2020/21 and 2022/23 where the Primary Cause is either '**Wrong Diagnosis**' or '**Failure/Delay Diagnosis**' and one of the injury codes includes '**Cancer**'.

Table 3: Number of Clinical Claims and Incidents received between financial years 2020/21 and 2022/23 where the Primary Cause is either '**Wrong Diagnosis**' or '**Failure/Delay Diagnosis**' and injury codes include '**Cancer**' and '**Fatality**'.

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 between financial years 2020/21 and 2022/23 where the Primary Cause is either 'Wrong Diagnosis' or 'Failure/Delay Diagnosis'.

Table 2: Number of Clinical Claims and Incidents received between financial years 2020/21 and 2022/23 where the Primary Cause is either 'Wrong Diagnosis' or 'Failure/Delay Diagnosis' and one of the injury codes is 'Cancer'.

Table 3: Number of Clinical Claims and Incidents received between financial years 2020/21 and 2022/23 where the Primary Cause is either 'Wrong Diagnosis' or 'Failure/Delay Diagnosis' and where both injury codes 'Cancer' and 'Fatality' are recorded.

Table 1: Number of Clinical Claims and Incidents received between financial years 2020/21 and 2022/23 where the Primary Cause is either 'Wrong Diagnosis' or 'Failure/Delay Diagnosis'.

FOI View	Notified
Primary Cause	
-Year of Notification	No. of Claims
Failure/Delay Diagnosis	7,096
2020/21	2,541
2021/22	2,343
2022/23	2,212
Wrong Diagnosis	393
2020/21	116
2021/22	128
2022/23	149
Grand Total	7,489

Table 2: Number of Clinical Claims and Incidents received between financial years 2020/21 and 2022/23 where the Primary Cause is either 'Wrong Diagnosis' or 'Failure/Delay Diagnosis' and one of the injury codes is 'Cancer'.

FOI View	Notified
Cancer Injury Code	Y

Primary Cause -Year of Notification	No. of Claims
Failure/Delay Diagnosis	1,314
2020/21	445
2021/22	464
2022/23	405
Wrong Diagnosis	50
2020/21	15
2021/22	17
2022/23	18
Grand Total	1,364

Table 3: Number of Clinical Claims and Incidents received between financial years 2020/21 and 2022/23 where the Primary Cause is either 'Wrong Diagnosis' or 'Failure/Delay Diagnosis' and where both injury codes 'Cancer' and 'Fatality' are recorded.

FOI View	Notified
Cancer and Fatality Injury Code	Y

Year of Notification	No. of Claims
2020/21	55
2021/22	92
2022/23	96
Grand Total	243