



Resolution

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February 2025

FOI_7001

The following information was requested on 27 January 2025:

Please can you provide data on:

- 1. the number of claims raised*
- 2. the number of claims paid*
- 3. the total value of those claims*

*which had the primary cause code failure or delay of diagnosis in the **histopathology** specialty for the 2022/23 and 23/24 financial years. I would appreciate it if you could provide aggregated information for England, and also by trust.*

Our Response

Please find attached the requested information we are able to provide. We only hold claims data for England, 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 received, 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.

For information about our Clinical Negligence Schemes, please visit our website here:

[Clinical schemes - NHS Resolution](#)

Table 1 shows: - Number of CNST Claims and Incidents received between financial years '2022/23' and '2023/24' where the Specialty is '**Histopathology**', and the Primary Cause is 'Failure/Delay Diagnosis'.

Table 2 shows: - Number of CNST Claims and Incidents received between financial years '2022/23' and '2023/24' where the Specialty is 'Histopathology', and the Primary Cause is '**Failure/Delay Diagnosis**'. Broken down by Trust.

Table 3 shows: - Number and Cost of CNST Claims Closed between financial years '2022/23' and '2023/24' with a damages payment, where the Specialty is '**Histopathology**', and the Primary 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.

Table 4 shows: - Number and Cost of CNST Claims Closed between financial years '2022/23' and '2023/24' with a damages payment, where the Specialty is '**Histopathology**', and the Primary 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. Broken down by Trust.

Table 5 shows: - Number and Cost of CNST Claims Closed between financial years '2022/23' and '2023/24' with **NIL** damages paid where the Specialty is '**Histopathology**' and the Primary Cause is 'Failure/Delay Diagnosis'. The data includes legal costs paid up until the end of each relevant financial year of closure.

Table 6 shows: - Number and Cost of CNST Claims Closed between financial years '2022/23' and '2023/24' with **NIL** damages paid where the Specialty is '**Histopathology**', and the Primary Cause is 'Failure/Delay Diagnosis'. The data includes legal costs paid up until the end of each relevant financial year of closure. Broken down by Trust.

Please note the tables broken down by Trust 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. For example, a number of high value claims in a complex treatment environment may skew the average damages

awards. In some circumstances, volumes of reported cases may be impacted by multiple claims notified in relation to one cause of action. The value of claims will depend on individual circumstances and the data may be impacted significantly by small numbers of high value claims.

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.

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 several [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 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 CNST Claims and Incidents received between financial years '2022/23' and '2023/24' where the Specialty is 'Histopathology' and the Primary Cause is 'Failure/Delay Diagnosis'.

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Table 1: Number of CNST Claims and Incidents received between financial years '2022/23' and '2023/24' where the Specialty is 'Histopathology' and the Primary Cause is 'Failure/Delay Diagnosis'.

Notified	Y
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Year of Notification	No. of Claims
2022/23	17
2023/24	27
Grand Total	44

Table 2: Number of CNST Claims and Incidents received between financial years '2022/23' and '2023/24' where the Specialty is 'Histopathology' and the Primary Cause is 'Failure/Delay Diagnosis'. Broken down by Trust.

Notified	Y
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Trust	No. of Claims
Sheffield Teaching Hospitals NHS Foundation Trust	#
Northern Care Alliance NHS Foundation Trust	#
University Hospitals Coventry & Warwickshire NHS Trust	#
South Warwickshire NHS Foundation Trust	#
Royal Wolverhampton NHS Trust (The)	#
Imperial College Healthcare NHS Trust	#
Mid Yorkshire Teaching NHS Trust	#
Central and North West London NHS Foundation Trust	#
Royal Berkshire NHS Foundation Trust	#
Frimley Health NHS Foundation Trust	#
Gateshead Health NHS Foundation Trust	#
Royal Free London NHS Foundation Trust	#
Gloucestershire Hospitals NHS Foundation Trust	#
South Tees Hospitals NHS Foundation Trust	#
Guy's and St Thomas' NHS Foundation Trust	#
West Suffolk NHS Foundation Trust	#
Chesterfield Royal Hospital NHS Foundation Trust	#
Royal Devon University Healthcare NHS Foundation Trust	#
Mersey and West Lancashire Hospitals NHS Trust	#
Dudley Group NHS Foundation Trust (The)	#
County Durham and Darlington NHS Foundation Trust	#
Sherwood Forest Hospitals NHS Foundation Trust	#
Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust	#
South Tyneside and Sunderland NHS Foundation Trust	#
University Hospitals of Leicester NHS Trust	#
University Hospitals Plymouth NHS Trust	#
University Hospitals of Derby and Burton NHS Foundation Trust	#
North West Anglia NHS Foundation Trust	#
University Hospitals of North Midlands NHS Trust	#
Northampton General Hospital NHS Trust	#
University Hospitals Sussex NHS Foundation Trust	#
Barnsley Hospital NHS Foundation Trust	#
Chelsea & Westminster Hospital NHS Foundation Trust	#
Northern Lincolnshire & Goole Hospitals NHS Foundation Trust	#
Grand Total	44

Table 3: Number and Cost of CNST Claims Closed between financial years '2022/23' and '2023/24' with a damages payment, where the Specialty is 'Histopathology' and the Primary 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.

ClosedSettled	Y
Claim_Outcome	Damages Paid

Year of Closure	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2022/23	28	6,466,314	310,329	1,952,491	8,729,134
2023/24	18	5,553,736	299,695	1,416,824	7,270,254
Grand Total	46	12,020,049	610,024	3,369,314	15,999,388

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ClosedSettled	Y
Claim_Outcome	Damages Paid

Trust	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Barnsley Hospital NHS Foundation Trust	#	#	#	#	#
Barts Health NHS Trust	#	#	#	#	#
Bolton NHS Foundation Trust	#	#	#	#	#
Buckinghamshire Healthcare NHS Trust	#	#	#	#	#
Cambridge University Hospitals NHS Foundation Trust	#	#	#	#	#
East and North Hertfordshire NHS Trust	#	#	#	#	#
Gateshead Health NHS Foundation Trust	#	#	#	#	#
Gloucestershire Hospitals NHS Foundation Trust	#	#	#	#	#
Great Western Hospitals NHS Foundation Trust	#	#	#	#	#
Hull University Teaching Hospitals NHS Trust	#	#	#	#	#
Liverpool University Hospitals NHS Foundation Trust	#	#	#	#	#
Manchester University NHS Foundation Trust	#	#	#	#	#
Mid Cheshire Hospitals NHS Foundation Trust	#	#	#	#	#
Mid Yorkshire Teaching NHS Trust	#	#	#	#	#
Newcastle Upon Tyne Hospitals NHS Foundation Trust (The)	#	#	#	#	#
Norfolk & Norwich University Hospitals NHS Foundation Trust	#	#	#	#	#
North Tees & Hartlepool NHS Foundation Trust	#	#	#	#	#
Northern Care Alliance NHS Foundation Trust	#	#	#	#	#
Northern Lincolnshire & Goole Hospitals NHS Foundation Trust	#	#	#	#	#
Portsmouth Hospitals NHS Trust	#	#	#	#	#
Royal Free London NHS Foundation Trust	#	#	#	#	#
Royal United Hospitals Bath NHS Foundation Trust	#	#	#	#	#
Sheffield Teaching Hospitals NHS Foundation Trust	#	#	#	#	#
South Warwickshire NHS Foundation Trust	#	#	#	#	#
University Hospitals Coventry & Warwickshire NHS Trust	#	#	#	#	#
University Hospitals of Leicester NHS Trust	#	#	#	#	#
University Hospitals of Morecambe Bay NHS Foundation Trust	#	#	#	#	#
University Hospitals Sussex NHS Foundation Trust	#	#	#	#	#
Wirral University Teaching Hospital NHS Foundation Trust	#	#	#	#	#
Worcestershire Acute Hospitals NHS Trust	#	#	#	#	#
Grand Total	46	12,020,049	610,024	3,369,314	15,999,388

Table 5: Number and Cost of CNST Claims Closed between financial years '2022/23' and '2023/24' with NIL damages paid where the Specialty is 'Histopathology' and the Primary Cause is 'Failure/Delay Diagnosis'. The data includes legal costs paid up until the end of each relevant financial year of closure.

ClosedSettled	Y
Claim_Outcome	Nil Damages

Year of Closure	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2022/23	5	0	9,756	0	9,756
2023/24	6	0	#	0	#

Table 6: Number and Cost of CNST Claims Closed between financial years '2022/23' and '2023/24' with NIL damages paid where the Specialty is 'Histopathology' and the Primary Cause is 'Failure/Delay Diagnosis'. The data includes legal costs paid up until the end of each relevant financial year of closure. Broken down by Trust.

ClosedSettled	Y
Claim_Outcome	Nil Damages

Trust	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Central and North West London NHS Foundation Trust	#	#	#	#	#
County Durham and Darlington NHS Foundation Trust	#	#	#	#	#
Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust	#	#	#	#	#
Northampton General Hospital NHS Trust	#	#	#	#	#
South Tees Hospitals NHS Foundation Trust	#	#	#	#	#
South Tyneside and Sunderland NHS Foundation Trust	#	#	#	#	#
Torbay & South Devon NHS Foundation Trust	#	#	#	#	#
University Hospitals Coventry & Warwickshire NHS Trust	#	#	#	#	#
University Hospitals of Leicester NHS Trust	#	#	#	#	#
University Hospitals of North Midlands NHS Trust	#	#	#	#	#
Worcestershire Acute Hospitals NHS Trust	#	#	#	#	#