



Resolution

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April 2025

FOI_7095

The following information was requested on 11 March 2025:

I would like to request the following information under the Freedom of Information Act 2000:

How many cases of clinical negligence relating to delayed or misdiagnosis were there across all NHS trusts in the year 2023/2024?

Please provide a list of the 10 NHS trusts that had the most reports of clinical negligence relating to delayed or misdiagnosis in 2023/2024.

Please provide a list of the 10 NHS trusts that paid out the most money for clinical negligence claims relating to delayed or misdiagnosis in 2023/2024.

What was the total amount paid out for successful clinical negligence claims relating to delayed or misdiagnosis in 2023/ 2024?

Please provide a breakdown of the health conditions for which misdiagnosis claims were made in 2023/ 2024.

Our Response

Thank you for your request for information. Please find attached the requested information we are able to provide. Please note we only hold information for England.

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 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 unsuccessful), 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 by NHS Resolution, which can vary significantly. In some cases, this can be affected by an adverse issue involving a number of patients. 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](#)

Please note: Cover under the Clinical Negligence Scheme for Trusts (CNST) has also been available to independent sector providers (ISPs) of NHS care since 1st April 2013, but data relating to these ISPs has not been included in our response, as the request was for a breakdown by NHS Trust.

Please note: these tables 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 1 shows: - Number of CNST Claims and Incidents received in the 2023/24 financial year for Trusts where the Primary Cause is 'Failure/Delay Diagnosis' or 'Wrong Diagnosis'.

Table 2 shows: - The ten NHS Trusts with the most CNST Claims and Incidents received in the 2023/24 financial year where the Primary Cause is 'Failure/Delay Diagnosis' or 'Wrong Diagnosis'.

Table 3 shows: - Number of CNST Claims and Incidents received in the 2023/24 financial year for Trusts where the Primary Cause is 'Failure/Delay Diagnosis' or 'Wrong Diagnosis'. Broken down by Primary Injury.

Table 4 shows: - Number and Cost of CNST Claims Closed (or settled with a periodical payment order) in the 2023/24 financial year with a damages payment, for Trusts, where the Primary Cause is 'Failure/Delay Diagnosis' or 'Wrong 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 5 shows: - The ten NHS Trusts that paid the most on CNST Claims Closed (or settled with a periodical payment order) in the 2023/24 financial year with a damages payment, where the Primary Cause is 'Failure/Delay Diagnosis' or 'Wrong 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 6 shows: - Number and cost of CNST Claims Closed (or settled with a periodical payment order) in the 2023/24 financial year with a damages payment, for Trusts, where the Primary Cause is 'Failure/Delay Diagnosis' or 'Wrong Diagnosis'. Broken down by Primary Injury. 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 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 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. Where we are in the territory of such small numbers in the attached, we have used a '#' symbol in the relevant field. You should still be able to see aggregate/total details for higher level fields containing this data.

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 [Joanne Appleby](#), Deputy 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.

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Table 2: The ten NHS Trusts with the most CNST Claims and Incidents received in the 2023/24 financial year where the Primary Cause is 'Failure/Delay Diagnosis' or 'Wrong Diagnosis'.

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Table 1: Number of CNST Claims and Incidents received in the 2023/24 financial year for Trusts where the Primary Cause is 'Failure/Delay Diagnosis' or 'Wrong Diagnosis'.

Notified scheme	Y CNST
Year of Notification	No. of Claims
2023/24	1,706

Table 2: The ten NHS Trusts with the most CNST Claims and Incidents received in the 2023/24 financial year where the Primary Cause is 'Failure/Delay Diagnosis' or 'Wrong Diagnosis'.

Notified scheme	Y CNST
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Trust	No. of Claims
Northern Care Alliance NHS Foundation Trust	41
Manchester University NHS Foundation Trust	37
Lancashire Teaching Hospitals NHS Foundation Trust	33
Mersey and West Lancashire Hospitals NHS Trust	32
University Hospitals Sussex NHS Foundation Trust	31
North West Anglia NHS Foundation Trust	31
Mid Yorkshire Teaching NHS Trust	31
York and Scarborough Teaching Hospitals NHS Foundation Trust	30
Sheffield Teaching Hospitals NHS Foundation Trust	30
Mid and South Essex NHS Foundation Trust	29
Hull University Teaching Hospitals NHS Trust	29
University Hospitals of North Midlands NHS Trust	29
Grand Total	383

Table 3: Number of CNST Claims and Incidents received in the 2023/24 financial year for Trusts where the Primary Cause is 'Failure/Delay Diagnosis' or 'Wrong Diagnosis'. Broken down by Primary Injury.

Notified scheme	Y CNST
Primary Injury	No. of Claims
Unnecessary Pain	271
Fatality	171
Cancer	161
Adtnl/unnecessary Operation(s)	109
Advanced Stage Cancer	105
Psychiatric/Psychological Dmge	71
Fracture	69
Poor Outcome - Fractures Etc.	56
Stroke	40
Brain Damage	40
Nerve Damage	38
Spinal Damage	35
Bowel Damage/ Dysfunction	34
Amputation - Lower	32
Infection (bacterial)	31
Sepsis	30
Removal Of Testicle	30
Other Visual Problems	29
Tendon Damage	23
Blindness	21
Perforation	20
Thrombosis/Embolism	19
Cardiac Arrest	17
Other	16
Cardiovascular Condition	14
Stillborn	12
Renal Damage/ Failure	12
Removal Of Fallopian Tube	11
Rupture	9
Bladder Damage	9
Other Infection	9
Malignant Tumour	8
Joint Damage	8
Infertility	6
Dental Damage	6
Scarring	6
Dislocation	6
Loss Of Baby	6
Partial Paralysis	5
Respiratory Disorder/ Failure	5
Epilepsy	5
Liver Damage	5
Deafness	5
Benign Tumour	5
Peritonitis	#
Tuberculosis	#
Tissue Damage	#
Multiple Disabilities	#
Incontinence	#
Multiple Injuries	#
Compartment Syndrome	#
Aneurysm	#
Hypoxia	#
Thyroid Condition	#
Arterial Damage	#

Table 3: Number of CNST Claims and Incidents received in the 2023/24 financial year for Trusts where the Primary Cause is 'Failure/Delay Diagnosis' or 'Wrong Diagnosis'. Broken down by Primary Injury.

Notified scheme	Y CNST
Primary Injury	No. of Claims
Amputation - Upper	#
Hernia	#
Reduced Life Expectancy	#
Fistula	#
Limb Deformity	#
Oedema	#
Developmental Delay	#
Ulcerative Colitis	#
Cerebral Palsy	#
Foot Drop	#
Osteoporosis	#
Jaundice	#
Pressure Sores	#
Foetal Abnormality	#
Lung Disease	#
Malnutrition	#
Loss Of/Damage To Breast	#
Cystic Growth	#
Burn(s)	#
Cosmetic Disfigurement	#
Partial Hearing Loss	#
Tetraplegia/ Quadraplegia	#
Meningitis	#
Bruising/ Extravasation	#
Spinabifida	#
Not Specified	#
Learning Difficulties	#
Paraplegia	#
Bile Duct Damage	#
Loss Of Kidney	#
Grand Total	1,706

Table 4: Number and Cost of CNST Claims Closed (or settled with a periodical payment order) in the 2023/24 financial year with a damages payment, for Trusts, where the Primary Cause is 'Failure/Delay Diagnosis' or 'Wrong 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.

ClosedSettled	Y
scheme	CNST
Claim_Outcome	Damages Paid

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2023/24	1,207	258,675,456	23,965,870	93,837,003	376,478,329

Table 5: The ten NHS Trusts that paid the most on CNST Claims Closed (or settled with a periodical payment order) in the 2023/24 financial year with a damages payment, where the Primary Cause is 'Failure/Delay Diagnosis' or 'Wrong 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.

ClosedSettled scheme	Y
Claim_Outcome	CNST Damages Paid

Trust	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Hillingdon Hospitals NHS Foundation Trust (The)	9	9,823,009	317,222	1,035,400	11,175,630
Royal Free London NHS Foundation Trust	12	9,383,791	477,070	2,029,325	11,890,186
Chesterfield Royal Hospital NHS Foundation Trust	11	9,280,720	386,256	1,444,475	11,111,451
Mid and South Essex NHS Foundation Trust	29	8,823,680	624,901	2,471,911	11,920,492
Manchester University NHS Foundation Trust	28	8,433,310	400,020	1,986,649	10,819,979
Northern Care Alliance NHS Foundation Trust	30	8,405,671	662,467	2,686,981	11,755,120
Bolton NHS Foundation Trust	5	7,040,568	209,079	739,326	7,988,973
Walsall Healthcare NHS Trust	7	6,765,437	382,452	1,263,500	8,411,389
Bradford Teaching Hospitals NHS Foundation Trust	12	6,747,621	210,457	821,000	7,779,078
Royal Devon University Healthcare NHS Foundation Trust	16	6,449,476	403,097	1,175,290	8,027,863
Grand Total	159	81,153,284	4,073,020	15,653,858	100,880,162

Table 6: Number and Cost of CNST Claims Closed (or settled with a periodical payment order) in the 2023/24 financial year with a damages payment, for Trusts, where the Primary Cause is 'Failure/Delay Diagnosis' or 'Wrong Diagnosis'. Broken down by Primary Injury. 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.

ClosedSettled scheme Claim_Outcome	Y CNST Damages Paid
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Primary Injury	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Costs Paid	Total Paid
Unnecessary Pain	183	7,030,150	1,676,010	8,062,758	16,768,919
Adtnl/unnecessary Operation(s)	113	10,656,117	1,431,783	6,508,428	18,596,328
Fatality	108	15,777,385	1,668,400	6,701,112	24,146,897
Advanced Stage Cancer	100	14,931,602	1,481,858	7,006,884	23,420,344
Cancer	85	9,415,845	1,121,393	5,627,766	16,165,004
Poor Outcome - Fractures Etc.	51	10,224,336	634,007	3,129,375	13,987,718
Fracture	41	1,111,853	293,781	1,669,798	3,075,432
Other Visual Problems	31	7,469,529	540,606	2,548,747	10,558,882
Psychiatric/Psychological Dmge	30	1,769,916	266,141	1,098,686	3,134,743
Bowel Damage/ Dysfunction	30	11,800,924	970,430	3,314,615	16,085,969
Nerve Damage	27	4,374,934	1,144,802	3,372,362	8,892,098
Amputation - Lower	27	14,499,533	1,189,715	3,817,040	19,506,287
Spinal Damage	25	14,911,167	1,084,609	3,736,750	19,732,526
Stroke	21	6,345,281	1,049,815	3,372,150	10,767,246
Tendon Damage	21	848,565	193,063	884,621	1,926,249
Brain Damage	21	38,364,035	1,986,308	6,337,326	46,687,670
Removal Of Testicle	16	379,640	47,131	520,650	947,421
Sepsis	13	1,151,370	265,294	694,000	2,110,664
Bladder Damage	13	7,149,866	295,770	1,233,475	8,679,111
Joint Damage	13	1,076,931	266,935	884,174	2,228,041
Cardiovascular Condition	12	1,031,237	253,266	811,910	2,096,413
Thrombosis/Embolism	12	4,068,725	502,708	1,218,125	5,789,558
Blindness	12	6,036,757	368,033	1,496,247	7,901,037
Removal Of Fallopian Tube	10	257,000	49,438	455,780	762,218
Perforation	10	2,895,833	355,121	1,228,961	4,479,915
Cardiac Arrest	10	910,684	151,722	590,037	1,652,443
Other	9	378,794	29,660	395,500	803,955
Other Infection	8	3,384,538	175,259	689,000	4,248,796
Rupture	7	112,429	27,375	202,750	342,554
Scarring	7	133,514	73,174	281,696	488,384
Stillborn	7	293,500	35,017	358,125	686,642
Dislocation	6	471,075	39,722	309,000	819,797
Foot Drop	6	1,908,769	127,288	590,750	2,626,807
Paraplegia	6	2,061,351	356,533	1,491,000	3,908,884
Reduced Life Expectancy	6	385,000	28,958	189,750	603,708
Benign Tumour	6	456,000	87,301	543,500	1,086,801
Pressure Sores	6	712,079	98,628	481,250	1,291,957
Infertility	5	2,222,500	212,014	588,750	3,023,264
Infection (bacterial)	5	60,901	39,958	161,500	262,358
Renal Damage/ Failure	5	867,508	67,484	411,600	1,346,592
Limb Deformity	5	1,143,000	158,801	458,882	1,760,683
Partial Paralysis	5	6,220,424	422,160	1,145,632	7,788,216
Amputation - Upper	#	#	#	#	#
Incontinence	#	#	#	#	#
Wrongful Birth	#	#	#	#	#
Respiratory Disorder/ Failure	#	#	#	#	#
Tissue Damage	#	#	#	#	#
Epilepsy	#	#	#	#	#
Fistula	#	#	#	#	#
Malignant Tumour	#	#	#	#	#
Cerebral Palsy	#	#	#	#	#
Aneurysm	#	#	#	#	#
Loss Of Baby	#	#	#	#	#
Compartment Syndrome	#	#	#	#	#
Loss Of Sexual Function	#	#	#	#	#
Viral Infection	#	#	#	#	#
Multiple Injuries	#	#	#	#	#
Partial Hearing Loss	#	#	#	#	#
Bruising/ Extravasation	#	#	#	#	#
Hernia	#	#	#	#	#
Tetraplegia/ Quadraplegia	#	#	#	#	#
Cosmetic Disfigurement	#	#	#	#	#
Arterial Damage	#	#	#	#	#
Developmental Delay	#	#	#	#	#
Erb's Palsy	#	#	#	#	#
Dental Damage	#	#	#	#	#
Bile Duct Damage	#	#	#	#	#
Loss Of Kidney	#	#	#	#	#

Table 6: Number and Cost of CNST Claims Closed (or settled with a periodical payment order) in the 2023/24 financial year with a damages payment, for Trusts, where the Primary Cause is 'Failure/Delay Diagnosis' or 'Wrong Diagnosis'. Broken down by Primary Injury. 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.

ClosedSettled scheme Claim_Outcome	Y CNST Damages Paid
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Primary Injury	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Costs Paid	Total Paid
Peritonitis	#	#	#	#	#
Loss Of Lung	#	#	#	#	#
Impotence	#	#	#	#	#
Addiction/Dependency	#	#	#	#	#
Chromosomal Abnormality	#	#	#	#	#
Infectious Diseases	#	#	#	#	#
Cystic Growth	#	#	#	#	#
Meningitis	#	#	#	#	#
Chronic Fatigue Syndrome	#	#	#	#	#
Multiple Disabilities	#	#	#	#	#
Downs Syndrome	#	#	#	#	#
Deafness	#	#	#	#	#
Osteoporosis	#	#	#	#	#
Grand Total	1,207	258,675,456	23,965,870	93,837,003	376,478,329