NHS Resolution

8th Floor,
10 South Colonnade
Canary Wharf
London
E14 4PU
Telephone: 020 7811 2700

July 2025
FOI_7284

The following information was requested on 19 June 2025:

I am writing to request similar details as included in the FOI_6519_Missed-Diagnosis-of-Brain-Haemorrhage from May 2024.

Would you be able to provide the same level of detail for the last 5 years (2019/20 to 2023/24) but where the primary speciality is radiology and the primary cause is either Failure to Interpret X-Ray, Failure/Delay Diagnosis, Fail/Delay Treatment, Fail to Act on Abnormal Test Res or Wrong Diagnosis.

AND

Where the primary injury is Brain Damage, Stroke, Rupture or Aneurysm.

Please also include, in addition, a breakdown of the trusts involved with these claims. Please aggregate the data over the last 5 years.

Please include the damages paid, NHS legal costs, Claimant legal costs and total paid.

I understand that figures below 5 claims may need to be masked in accordance with your data protection guidelines, and I would be grateful for any approximated totals where reverse calculation prevention is necessary.

Our Response

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

NB: 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.

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.

We have provided data on clinical cases only.

Table 1 shows: - Number of Clinical Claims and Incidents received between financial years 2019/20 and 2023/24 where the Specialty is Radiology and the Primary Cause is either 'Failure to Interpret X-Ray', 'Failure/Delay Diagnosis', 'Fail/Delay Treatment', 'Fail to Act on Abnormal Test Results' or 'Wrong Diagnosis' and the Primary Injury is either 'Brain Damage', 'Stroke', 'Rupture' or 'Aneurysm'.

Table 2 shows: - Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2019/20 and 2023/24 with a damages payment, where the Specialty is Radiology and the Primary Cause is either 'Failure to Interpret X-Ray', 'Failure/Delay Diagnosis', 'Fail/Delay Treatment', 'Fail to Act on Abnormal Test Results' or 'Wrong Diagnosis' and the Primary Injury is either 'Brain Damage', 'Stroke', 'Rupture' or 'Aneurysm'. 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 shows: - Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2019/20 and 2023/24 with a damages payment, where the Specialty is Radiology and the Primary Cause is either 'Failure to Interpret X-Ray', 'Failure/Delay Diagnosis', 'Fail/Delay Treatment', 'Fail to Act on Abnormal Test Results' or 'Wrong Diagnosis' and the Primary Injury is either 'Brain Damage', 'Stroke', 'Rupture' or 'Aneurysm'. 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. Broken down by Primary Injury.

Table 4 shows: - Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2019/20 and 2023/24 with a damages payment, where the Specialty is Radiology and the Primary Cause is either

'Failure to Interpret X-Ray', 'Failure/Delay Diagnosis', 'Fail/Delay Treatment', 'Fail to Act on Abnormal Test Results' or 'Wrong Diagnosis' and the Primary Injury is either 'Brain Damage', 'Stroke', 'Rupture' or 'Aneurysm'. 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. Broken down by Primary Cause.

Table 5 shows: - Number of Clinical Claims and Incidents received between financial years 2019/20 and 2023/24 where the Specialty is Radiology and the Primary Cause is either 'Failure to Interpret X-Ray', 'Failure/Delay Diagnosis', 'Fail/Delay Treatment', 'Fail to Act on Abnormal Test Results' or 'Wrong Diagnosis' and the Primary Injury is either 'Brain Damage', 'Stroke', 'Rupture' or 'Aneurysm'. Broken down by Trust.

Table 6 shows: - Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2019/20 and 2023/24 with a damages payment, where the Specialty is Radiology and the Primary Cause is either 'Failure to Interpret X-Ray', 'Failure/Delay Diagnosis', 'Fail/Delay Treatment', 'Fail to Act on Abnormal Test Results' or 'Wrong Diagnosis' and the Primary Injury is either 'Brain Damage', 'Stroke', 'Rupture' or 'Aneurysm'. 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. 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.

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.

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/

Freedom of Information Request# 7284
Data correct as at: The end of every financial year

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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 2019/20 and 2023/24 where the Specialty is Radiology and the Primary Cause is either 'Failure to Interpret X-Ray', 'Failure/Delay Diagnosis', 'Fail/Delay Treatment', 'Fail to Act on Abnorm Test Results' or 'Wrong Diagnosis' and the Primary Injury is either 'Brain Damage', 'Stroke', 'Rupture' or 'Aneurysm'.

Notified	Y

Year of Notification	No. of Claims
2019/20	11
2020/21	14
2021/22	8
2022/23	11
2023/24	13
Grand Total	**57**

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Table 2: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2019/20 and 2023/24 with a damages payment,where the Specialty is Radiology and the Primary Cause is either 'Failure to Interpret X-Ray', 'Failure/Delay Diagnosis', 'Fail/Delay Treatment', 'Fail to Act on Abnorm Test Results' or 'Wrong Diagnosis' and the Primary Injury is either 'Brain Damage', 'Stroke', 'Rupture' or 'Aneurysm'. 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
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
2019/20	5	4,670,172	179,722	1,134,095	5,983,989
2020/21	#	#	#	#	#
2021/22	#	#	#	#	#
2022/23	5	4,507,554	390,500	1,106,000	6,004,054
2023/24	10	3,559,244	441,828	1,078,500	5,079,572

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ClosedSettled	Y
scheme	CNST
Claim_Outcome	Damages Paid

Year of Closure (Settlement Year for PPOs) ----- Primary Injury	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Brain Damage	14	14,881,857	914,344	2,975,245	18,771,447
Aneurysm	6	1,785,059	191,699	550,000	2,526,758
Stroke	5	1,667,748	219,915	607,500	2,495,163
Rupture	#	#	#	#	#

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ClosedSettled	Y
scheme	CNST
Claim_Outcome	Damages Paid

Year of Closure (Settlement Year for PPOs) ----- Primary Cause	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Failure To Interpret X-Ray	14	11,846,608	709,227	2,181,095	14,736,930
Failure/Delay Diagnosis	8	5,337,044	523,328	1,711,500	7,571,872
Fail / Delay Treatment	#	#	#	#	#
Wrong Diagnosis	#	#	#	#	#
Fail To Act On Abnorm Test Res	#	#	#	#	#

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Notified	Y

Latest Trust Name	No. of Claims
University Hospitals Dorset NHS Foundation Trust	#
Princess Alexandra Hospital NHS Trust (The)	#
Manchester University NHS Foundation Trust	#
County Durham and Darlington NHS Foundation Trust	#
Salisbury NHS Foundation Trust	#
Northampton General Hospital NHS Trust	#
University Hospitals Plymouth NHS Trust	#
Mid and South Essex NHS Foundation Trust	#
Royal Berkshire NHS Foundation Trust	#
Royal Cornwall Hospitals NHS Trust	#
Bolton NHS Foundation Trust	#
Wirral University Teaching Hospital NHS Foundation Trust	#
University Hospitals of Leicester NHS Trust	#
Mersey and West Lancashire Hospitals NHS Trust	#
North Bristol NHS Trust	#
Milton Keynes Hospital NHS Foundation Trust	#
East Suffolk and North Essex NHS Foundation Trust	#
North Cumbria Integrated Care NHS Foundation Trust	#
University Hospitals of North Midlands NHS Trust	#
North West Anglia NHS Foundation Trust	#
Wye Valley NHS Trust	#
Barking, Havering and Redbridge University Hospitals NHS Trust	#
York and Scarborough Teaching Hospitals NHS Foundation Trust	#
Northern Lincolnshire & Goole Hospitals NHS Foundation Trust	#
South Tyneside and Sunderland NHS Foundation Trust	#
Nottingham University Hospitals NHS Trust	#
University Hospitals of Derby and Burton NHS Foundation Trust	#
Oxford University Hospitals NHS Foundation Trust	#
University Hospitals of Morecambe Bay NHS Foundation Trust	#
Dorset County Hospital NHS Foundation Trust	#
Imperial College Healthcare NHS Trust	#
Dudley Group NHS Foundation Trust (The)	#
Royal Devon University Healthcare NHS Foundation Trust	#
Airedale NHS Foundation Trust	#
Lewisham & Greenwich NHS Trust	#
East and North Hertfordshire NHS Trust	#
Royal Wolverhampton NHS Trust (The)	#
Shrewsbury and Telford Hospital NHS Trust	#
Maidstone and Tunbridge Wells NHS Trust	#
Surrey and Sussex Healthcare NHS Trust	#
University Hospitals Birmingham NHS Foundation Trust	#
United Lincolnshire Hospitals NHS Trust	#
Calderdale & Huddersfield NHS Foundation Trust	#
University Hospital Southampton NHS Foundation Trust	#
Grand Total	**57**

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ClosedSettled	Y
Claim_Outcome	Damages Paid

Latest Trust Name	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
University Hospitals of Derby and Burton NHS Foundation Trust	#	#	#	#	#
Barts Health NHS Trust	#	#	#	#	#
County Durham and Darlington NHS Foundation Trust	#	#	#	#	#
Walsall Healthcare NHS Trust	#	#	#	#	#
Bradford Teaching Hospitals NHS Foundation Trust	#	#	#	#	#
East Kent Hospitals University NHS Foundation Trust	#	#	#	#	#
University Hospitals Dorset NHS Foundation Trust	#	#	#	#	#
Harrogate & District NHS Foundation Trust	#	#	#	#	#
Frimley Health NHS Foundation Trust	#	#	#	#	#
Lewisham & Greenwich NHS Trust	#	#	#	#	#
United Lincolnshire Hospitals NHS Trust	#	#	#	#	#
University Hospitals of North Midlands NHS Trust	#	#	#	#	#
Bedfordshire Hospitals NHS Foundation Trust	#	#	#	#	#
Wye Valley NHS Trust	#	#	#	#	#
Lancashire Teaching Hospitals NHS Foundation Trust	#	#	#	#	#
Mersey and West Lancashire Hospitals NHS Trust	#	#	#	#	#
Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust	#	#	#	#	#
Northern Lincolnshire & Goole Hospitals NHS Foundation Trust	#	#	#	#	#
Mid Yorkshire Teaching NHS Trust	#	#	#	#	#
Oxford University Hospitals NHS Foundation Trust	#	#	#	#	#
Chelsea & Westminster Hospital NHS Foundation Trust	#	#	#	#	#
Sheffield Children's NHS Foundation Trust	#	#	#	#	#
Somerset NHS Foundation Trust	#	#	#	#	#