



# Resolution

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**Telephone:** 020 7811 2700

September 2025  
FOI\_7381

The following information was requested on 11 August 2025:

*Under the Freedom of Information Act 2000, I am requesting the following information relating to Chelsea & Westminster Hospital NHS Foundation Trust, including data from its predecessor West Middlesex University Hospital (for years prior to the September 2015 merger):*

1. *The annual number of paediatric or neonatal clinical negligence claims involving:*
  - *cardiac conditions,*
  - *missed or delayed diagnosis, or*
  - *delayed treatment**submitted to NHS Resolution concerning the Trust, for each year from 2000 to 2025.*
2. *For each year, please indicate how many of these claims:*
  - a. *resulted in a court judgment in favour of the claimant;*
  - b. *resulted in a court judgment in favour of the Trust;*
  - c. *were withdrawn or discontinued before determination;*
  - d. *were settled with damages paid, whether or not court proceedings took place.*
3. *Where possible, please also indicate:*
  - a. *the number of claims resolved through formal court proceedings.*
  - b. *the number resolved via alternative dispute resolution (ADR), mediation, or Early Notification Scheme processes;*
  - c. *the specialty or department (e.g., paediatric cardiology, neonatology) associated with each claim;*
  - d. *whether any ethnicity data is recorded for claimants, and if so, please provide it in anonymised, aggregated form.*

## Our Response

Thank you for your request for information. We are only able to report on claims notified to us or closed between the financial years 2006/07 – 2024/25.

**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>.

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.

We have carried out the following search in relation to your request:

Claims notified for **Chelsea & Westminster Hospital NHS Foundation Trust** between 01-04-2006 and 31-03-2025 where the patient's age was under 18 at the time of incident.

This search resulted in 197 Claims (including incidents). It was a manual process to review each of these cases to ascertain whether or not they fell within the scope of your request. Therefore, we estimate that the cost of complying with the request in its entirety would exceed the 'appropriate limit.' Section 12(1) of the FOIA is a provision which allows a public authority to refuse to comply with a request for information where the cost of compliance is estimated to exceed a set limit (known as the 'appropriate limit'). The 'appropriate limit' for NHS Resolution is £450. This equates to 18 hours of work at the rate of £25 per hour set out in the 'Fees Regulations'. We have provided the information we are able to provide within the cost limit.

Of the 197 claims that met the above search criteria, 9 are cardiac related. 6 of the 9 claims are closed and out of those, fewer than 5 claims received a damages payment. Because of the low number of claims we are unable to provide the details of those cases. Please refer to our low number refusal notice below for further explanation of the exemption applied.

### **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.

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/>