



Resolution

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November 2025
FOI_7524

The following information was requested on 29 October 2025 and clarified on 4 November 2025:

[You requested on 29 October 2025]:

I request the following information concerning the cancer medicine pembrolizumab (brand name Keytruda):

For each of the past 5 financial years (2019/20 to 2023/24, or the most recent 5-year period available), how many legal challenges or complaints have you had regarding Pembrolizumab and what was the nature of each of these?

For each legal challenge or complaint, please provide:

- The nature of the challenge/complaint (e.g., concerning funding decisions, access to treatment, clinical negligence, etc.)*
- The outcome or current status (if concluded)*
- The financial year in which it was received*

[We replied on 30 October 2025 with]:

Before we can respond, I would like to clarify what information we do hold and are able to provide.

Please refer to our publication: [Guidance-note-Understanding-NHS-Resolution-data-updated](#) and a set of codes against which claims are logged: [CNST-Codes.xlsx \(live.com\)](#) (see the three tabs in the spreadsheet).

We do not record the type of medication used.

We do have the following codes that could be relevant:

- Cause: Err with Agnt/Dose/Route/Selec, Incorrect injection site, Medication Errors, Wrong route Admin of Chemo*
- Specialty: Oncology*

Please review the list of codes I linked above for any other codes that you may find relevant.

Please, could you confirm if you are interested in the above data?

Your request will be put on hold until we receive the clarification requested above.

[You replied on 4 November 2025 with]:

Thank you for your clarification regarding the information NHS Resolution holds.

I understand that NHS Resolution does not record specific medication types, including pembrolizumab, in your claims database.

I would still like to proceed with the broader data you have offered.

Please provide the following for each of the past 5 financial years (2019/20 to 2023/24, or the most recent 5-year period available):

All claims coded under the "Oncology" specialty, specifically those involving the following serious injury codes:

- *#39 - Fatality*
- *#8 - Anaphylact Shock/Allergic Shock/allergy*
- *#104 - Respiratory Disorder/Failure*
- *#65 - Liver Damage*
- *#103 - Renal Damage/Failure*
- *#21 - Cardiac Arrest*
- *#22 - Cardiovascular Condition*
- *#121 - Thyroid Condition*
- *#16 - Bowel Damage/Dysfunction*
- *#109 - Sepsis*
- *#80 - Nerve Damage*
- *#17 - Brain Damage*

I understand that this data will include claims related to various cancer treatments and medications, not just pembrolizumab.

Our Response

Please find attached the requested information we are able to provide. Please note we only hold claims information 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 <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.

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](#)

Please find attached the following tables:

Table 1 shows: - Number of Clinical Claims and Incidents received between financial years '2020/21' and '2024/25' where the Specialty is '**Oncology**' and the Primary Injury is 'Fatality', 'Anaphylact Shock/Allergic Shock/allergy', 'Respiratory Disorder/Failure', 'Liver Damage', 'Renal Damage/Failure', 'Cardiac Arrest', 'Cardiovascular Condition', 'Thyroid Condition', 'Bowel Damage/Dysfunction', 'Sepsis', 'Nerve Damage', or 'Brain Damage', broken down by Primary Injury.

Table 2 shows: - Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years '2020/21' and '2024/25' with a damages payment, where the Specialty is '**Oncology**' and the Primary Injury is 'Fatality', 'Anaphylact Shock/Allergic Shock/allergy', 'Respiratory Disorder/Failure', 'Liver Damage', 'Renal Damage/Failure', 'Cardiac Arrest', 'Cardiovascular Condition', 'Thyroid Condition', 'Bowel Damage/Dysfunction', 'Sepsis', 'Nerve Damage', or 'Brain Damage', 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.

Table 3 shows: - Number and Cost of Clinical Claims Closed between financial years '2020/21' and '2024/25' with **NIL** damages paid where the Specialty is '**Oncology**' and the Primary Injury is 'Fatality', 'Anaphylact Shock/Allergic Shock/allergy', 'Respiratory Disorder/Failure', 'Liver Damage', 'Renal Damage/Failure', 'Cardiac Arrest', 'Cardiovascular Condition', 'Thyroid Condition', 'Bowel Damage/Dysfunction', 'Sepsis', 'Nerve Damage', or 'Brain Damage', broken down by Primary Injury.

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 or the names of Trusts with fewer than 5 claims, 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/>

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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 '2024/25' where the Specialty is 'Oncology' and the Primary Injury is 'Fatality', 'Anaphylact Shock/Allergic Shock/allergy', 'Respiratory Disorder/Failure', 'Liver Damage', 'Renal Damage/Failure', 'Cardiac Arrest', 'Cardiovascular Condition', 'Thyroid Condition', 'Bowel Damage/Dysfunction', 'Sepsis', 'Nerve Damage', or 'Brain Damage', broken down by Primary Injury.

Table 2: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years '2020/21' and '2024/25' with a damages payment, where the Specialty is 'Oncology' and the Primary Injury is 'Fatality', 'Anaphylact Shock/Allergic Shock/allergy', 'Respiratory Disorder/Failure', 'Liver Damage', 'Renal Damage/Failure', 'Cardiac Arrest', 'Cardiovascular Condition', 'Thyroid Condition', 'Bowel Damage/Dysfunction', 'Sepsis', 'Nerve Damage', or 'Brain Damage', 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.

Table 3: Number and Cost of Clinical Claims Closed between financial years '2020/21' and '2024/25' with NIL damages paid where the Specialty is 'Oncology' and the Primary Injury is 'Fatality', 'Anaphylact Shock/Allergic Shock/allergy', 'Respiratory Disorder/Failure', 'Liver Damage', 'Renal Damage/Failure', 'Cardiac Arrest', 'Cardiovascular Condition', 'Thyroid Condition', 'Bowel Damage/Dysfunction', 'Sepsis', 'Nerve Damage', or 'Brain Damage', broken down by Primary Injury.

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Notified	Y
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Year of Notification --Primary Injury	No. of Claims
2020/21	
Fatality	24
Sepsis	#
Nerve Damage	#
Cardiac Arrest	#
Bowel Damage/ Dysfunction	#
Cardiovascular Condition	#
2021/22	
Fatality	29
Renal Damage/ Failure	#
Nerve Damage	#
Brain Damage	#
Bowel Damage/ Dysfunction	#
Sepsis	#
Cardiac Arrest	#
2022/23	
Fatality	23
Respiratory Disorder/ Failure	#
Nerve Damage	#
Brain Damage	#
Cardiac Arrest	#
Renal Damage/ Failure	#
Cardiovascular Condition	#
Sepsis	#
Bowel Damage/ Dysfunction	#
Liver Damage	#
2023/24	
Fatality	29
Sepsis	#
Renal Damage/ Failure	#
Nerve Damage	#
Bowel Damage/ Dysfunction	#
Respiratory Disorder/ Failure	#
Cardiac Arrest	#
Brain Damage	#
Thyroid Condition	#
Anaphylact Shock/Allergic Shock/allergy	#
Liver Damage	#
2024/25	
Fatality	35
Sepsis	#
Nerve Damage	#
Respiratory Disorder/ Failure	#

Table 1: Number of Clinical Claims and Incidents received between financial years '2020/21' and '2024/25' where the Specialty is 'Oncology' and the Primary Injury is 'Fatality', 'Anaphylact Shock/Allergic Shock/allergy', 'Respiratory Disorder/Failure', 'Liver Damage', 'Renal Damage/Failure', 'Cardiac Arrest', 'Cardiovascular Condition', 'Thyroid Condition', 'Bowel Damage/Dysfunction', 'Sepsis', 'Nerve Damage', or 'Brain Damage', broken down by Primary Injury.

Notified	Y
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Year of Notification --Primary Injury	No. of Claims
Renal Damage/ Failure	#
Brain Damage	#
Anaphylact Shock/Allergic Shock/allergy	#
Grand Total	200

Table 2: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years '2020/21' and '2024/25' with a damages payment, where the Specialty is 'Oncology' and the Primary Injury is 'Fatality', 'Anaphylact Shock/Allergic Shock/allergy', 'Respiratory Disorder/Failure', 'Liver Damage', 'Renal Damage/Failure', 'Cardiac Arrest', 'Cardiovascular Condition', 'Thyroid Condition', 'Bowel Damage/Dysfunction', 'Sepsis', 'Nerve Damage', or 'Brain Damage', 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	Y
ClaimOutcome	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
2020/21					
Fatality	9	485,348	115,626	366,377	967,351
Cardiovascular Condition	#	#	#	#	#
Respiratory Disorder/ Failure	#	#	#	#	#
Liver Damage	#	#	#	#	#
2021/22					
Fatality	22	2,529,157	326,034	1,404,893	4,260,084
Renal Damage/ Failure	#	#	#	#	#
Nerve Damage	#	#	#	#	#
Brain Damage	#	#	#	#	#
Bowel Damage/ Dysfunction	#	#	#	#	#
2022/23					
Fatality	23	1,727,438	239,555	1,139,250	3,106,244
Nerve Damage	#	#	#	#	#
Renal Damage/ Failure	#	#	#	#	#
Sepsis	#	#	#	#	#
Cardiovascular Condition	#	#	#	#	#
Brain Damage	#	#	#	#	#
Bowel Damage/ Dysfunction	#	#	#	#	#
2023/24					
Fatality	11	919,742	170,587	585,000	1,675,329
Sepsis	#	#	#	#	#
Nerve Damage	#	#	#	#	#
Cardiac Arrest	#	#	#	#	#
2024/25					
Fatality	15	1,262,582	211,268	941,350	2,415,200
Nerve Damage	#	#	#	#	#
Cardiac Arrest	#	#	#	#	#
Renal Damage/ Failure	#	#	#	#	#
Cardiovascular Condition	#	#	#	#	#
Grand Total	111	13,505,365	1,776,874	7,164,678	22,446,917

Table 3: Number and Cost of Clinical Claims Closed between financial years '2020/21' and '2024/25' with NIL damages paid where the Specialty is 'Oncology' and the Primary Injury is 'Fatality', 'Anaphylact Shock/Allergic Shock/allergy', 'Respiratory Disorder/Failure', 'Liver Damage', 'Renal Damage/Failure', 'Cardiac Arrest', 'Cardiovascular Condition', 'Thyroid Condition', 'Bowel Damage/Dysfunction', 'Sepsis', 'Nerve Damage', or 'Brain Damage', broken down by Primary Injury.

ClosedSettled	Y
ClaimOutcome	Nil Damages

Year of Closure --Primary Injury	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2020/21					
Fatality	11	0	22,539	0	22,539
Nerve Damage	#	#	#	#	#
Bowel Damage/ Dysfunction	#	#	#	#	#
Cardiac Arrest	#	#	#	#	#
2021/22					
Fatality	16	0	53,819	0	53,819
Nerve Damage	#	#	#	#	#
Bowel Damage/ Dysfunction	#	#	#	#	#
Brain Damage	#	#	#	#	#
2022/23					
Fatality	7	0	19,474	0	19,474
Bowel Damage/ Dysfunction	#	#	#	#	#
Nerve Damage	#	#	#	#	#
Cardiac Arrest	#	#	#	#	#
2023/24					
Fatality	6	0	29,786	0	29,786
Brain Damage	#	#	#	#	#
Nerve Damage	#	#	#	#	#
Liver Damage	#	#	#	#	#
2024/25					
Fatality	20	0	116,502	0	116,502
Nerve Damage	#	#	#	#	#
Sepsis	#	#	#	#	#
Brain Damage	#	#	#	#	#
Bowel Damage/ Dysfunction	#	#	#	#	#