



Resolution

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February 2026
FOI_7703

The following information was requested on 03 February 2026 and clarified on 04 February 2026:

[On the 03 February 2026, you requested]

I am writing to request information under the Freedom of Information Act 2000.

Please provide the following information relating to clinical negligence claims concerning cancer misdiagnosis and/or delayed diagnosis that were settled or concluded in the last five years (2020/21 to 2024/25, or the most recent five years for which data is held).

- 1. The total number of clinical negligence claims relating to cancer misdiagnosis and/or delayed diagnosis that resulted in a compensation payout.*
- 2. The total amount paid in damages/compensation to claimants for these claims.*
- 3. The total amount paid in legal costs, broken down where possible into:*
 - a. Claimant legal costs*
 - b. Defence legal costs*
- 4. Of the claims identified in Question 1, the number that related specifically to bowel cancer.*
- 5. Of the claims identified in Question 1, the number that related specifically to breast cancer.*

I would be grateful if the data could be provided broken down by year.

[On the 03 February 2026, we sought for clarification with]

Thank you for your request to NHS Resolution. Before we can respond, I would like to clarify what information we 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 have a code for bowel cancer and breast cancer, therefore we won't be able to provide this data. We do have injury code: cancer and advanced stage cancer, we also have cause code: Failure/Delay Diagnosis and wrong diagnosis . Please, review the above codes and let us know if you are interested in any of the outlined codes.

We can provide information about claims for injury codes: cancer and advanced stage cancer with cause codes : Failure/Delay Diagnosis and wrong diagnosis broken down by Trust and financial years between 2020/21 to 2024/25.

Please let us know if you will be interested in the data as set above.

Your request will be put on hold until we hear back from you.

[On the 04 February 2026, you replied with]

Thank you for your response and for clarifying the available coding.

Yes, I would be interested in receiving the data using the injury codes “cancer” and “advanced stage cancer”, together with the cause codes “Failure/Delay Diagnosis” and “Wrong Diagnosis”. Please could you provide the information broken down by Trust and by financial year for the period 2020/21 to 2024/25, including:

- the number of claims resulting in a compensation payout*
- total damages paid*
- total legal costs, with a breakdown between claimant and defence costs where available*

Many thanks for your assistance, and please let me know if you need anything further from me.

Our Response

Please find attached the requested information. Please note we only hold information for England and not for 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 [Guidance-note-Understanding-NHS-Resolution-data-updated](#)

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.

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.

The data shows variation in numbers of claims 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.

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 Trust. Please visit our website for more information about our [Clinical Schemes for Trusts - NHS Resolution](#).

Please note: the table broken down by Trusts 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. In some circumstances, volumes of reported cases may be impacted by multiple claims notified in relation to one cause of action.

Please find attached the following table:

Table 1 shows: Number and Cost of CNST Claims Closed between financial years '2020/21' and '2024/25' with a damages payment, where the Primary Injury is '**Cancer**' or '**Advanced Stage Cancer**' and 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. Broken down by Year and Trust.

Low Numbers

Please note we have suppressed low figures and 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 Freedom of Information Act 2000, 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.

Please refer to [Understanding NHS Resolution data guidance](#) for further details on how our Claims database is categorised.

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.

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 and Cost of CNST Claims Closed between financial years '2020/21' and '2024/25' with a damages payment, where the Primary Injury is 'Cancer' or 'Advanced Stage Cancer' and 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. Broken down by Year and Trust.

Please note: the tables broken down by Trusts 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. In some circumstances, volumes of reported cases may be impacted by multiple claims notified in relation to one cause of action.

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ClaimOutcome ClosedSettled	Damages Paid Y				
Year of Closure -- Trust	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2020/21					
Trusts with less than 5 claims	122	16,367,358	2,260,575	7,726,242	26,354,174
Mid and South Essex NHS Foundation Trust	8	523,045	169,482	734,350	1,426,877
University Hospitals of Leicester NHS Trust	7	1,003,032	58,524	258,011	1,319,567
South Tees Hospitals NHS Foundation Trust	6	451,022	110,539	359,850	921,411
County Durham and Darlington NHS Foundation Trust	6	419,064	87,339	361,197	867,600
Northern Care Alliance NHS Foundation Trust	6	246,000	43,815	193,703	483,518
Manchester University NHS Foundation Trust	5	232,538	130,505	247,200	610,243
2021/22					
Trusts with less than 5 claims	150	18,900,390	2,034,364	9,330,437	30,265,191
Northern Care Alliance NHS Foundation Trust	7	469,961	168,667	520,250	1,158,878
County Durham and Darlington NHS Foundation Trust	6	632,500	49,002	234,673	916,175
University Hospitals of Derby and Burton NHS Foundation Trust	6	938,257	56,787	339,210	1,334,254
Bradford Teaching Hospitals NHS Foundation Trust	5	2,004,000	61,195	499,533	2,564,728
University Hospitals of North Midlands NHS Trust	5	498,251	27,867	161,921	688,039
2022/23					
Trusts with less than 5 claims	144	22,692,028	2,103,449	9,106,147	33,901,623
Royal Free London NHS Foundation Trust	6	674,216	115,517	523,551	1,313,284
University Hospitals Birmingham NHS Foundation Trust	5	224,587	52,648	200,000	477,236
Northern Care Alliance NHS Foundation Trust	5	272,356	52,827	273,263	598,446
Hull University Teaching Hospitals NHS Trust	5	1,028,052	94,832	354,250	1,477,134
Norfolk & Norwich University Hospitals NHS Foundation Trust	5	389,500	17,695	224,118	631,313
Warrington and Halton Hospitals NHS Foundation Trust	5	588,737	65,875	357,705	1,012,317
2023/24					
Trusts with less than 5 claims	153	20,845,023	2,222,871	10,927,078	33,994,973
Northern Care Alliance NHS Foundation Trust	9	938,000	85,906	462,250	1,486,156
Worcestershire Acute Hospitals NHS Trust	6	1,137,407	137,870	417,500	1,692,777
Mid and South Essex NHS Foundation Trust	6	656,481	23,371	330,000	1,009,852
Manchester University NHS Foundation Trust	6	493,690	57,675	209,500	760,865
King's College Hospital NHS Foundation Trust	5	276,846	75,558	288,322	640,725
2024/25					
Trusts with less than 5 claims	142	22,886,504	1,908,550	10,467,741	35,262,794
Manchester University NHS Foundation Trust	8	465,915	48,258	323,200	837,373
Buckinghamshire Healthcare NHS Trust	6	1,252,582	195,460	715,000	2,163,042
Northern Lincolnshire & Goole Hospitals NHS Foundation Trust	5	787,164	105,346	504,800	1,397,309
University Hospitals of North Midlands NHS Trust	5	753,947	55,410	310,500	1,119,856
Mid and South Essex NHS Foundation Trust	5	160,766	51,396	339,000	551,162
Grand Total	870	119,209,219	12,729,172	57,300,503	189,238,894