



Resolution

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FOI_3817

The following information was requested on 21 June 2019:

I am researching the frequency with which delayed referrals stimulate negligence claims in dentistry. I am also interested in the outcomes of these claims.

This relates to a case report that deals with this issue specifically.

I was hoping that you might be able to furnish me with some statistics to help with this. No patient or clinician identifiers are needed.

Our Response

Please note that [Clinical Negligence Scheme for Trusts](#) (CNST) only covers dentistry practice where it takes place within a member organisation (e.g. Bristol dental hospital at University Hospitals Bristol Foundation Trust) and **not** the majority of NHS dental service that is provided in dental practices.

Please find attached the requested information.

Please note we are unable to provide you with a breakdown of individual claims and 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(3) (a) (i) of the Freedom of Information 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.

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.

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 [Tinku Mitra](#), Head of Corporate and Information

Governance 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

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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 Claims received between financial years 1996/97 and 2017/18 under the Speciality "Dentistry" where one of the Causes is "Fail/Delay Referring To Hosp.", "Failure/Delay Diagnosis" or "Fail / Delay Treatment"](#)

[Table 2: Number and Cost of Claims Closed/Settled with damages paid between financial years 1996/97 and 2017/18 under the Speciality "Dentistry" where one of the Causes is "Fail/Delay Referring To Hosp.", "Failure/Delay Diagnosis" or "Fail /](#)

[Table 3: Number of Claims Closed without damages paid between financial years 1996/97 and 2017/18 under the Speciality "Dentistry" where one of the Causes is "Fail/Delay Referring To Hosp.", "Failure/Delay Diagnosis" or "Fail / Delay](#)

Table 1: Number of Claims received between financial years 1996/97 and 2017/18 under the Speciality "Dentistry" where one of the Causes is "Fail/Delay Referring To Hosp.", "Failure/Delay Diagnosis" or "Fail / Delay Treatment"

Notifications	Y
Clinical_NonClinical	(All)

Notification Year	No_of_Claims
2000/01	#
2001/02	#
2002/03	#
2003/04	6
2004/05	#
2005/06	5
2006/07	8
2007/08	9
2008/09	40
2009/10	9
2010/11	14
2011/12	19
2012/13	26
2013/14	26
2014/15	28
2015/16	54
2016/17	50
2017/18	31
Grand Total	333

Table 2: Number and Cost of Claims Closed/Settled with damages paid between financial years 1996/97 and 2017/18 under the Speciality "Dentistry" where one of the Causes is "Fail/Delay Referring To Hosp.", "Failure/Delay Diagnosis" or "Fail / Delay Treatment"

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)	No_of_Claims	Damage s Paid	Defence Costs Paid	Claimant Costs Paid	Total Paid
2003/04	#	#	#	#	#
2004/05	#	#	#	#	#
2005/06	#	#	#	#	#
2006/07	#	#	#	#	#
2007/08	5	19,881	4,985	48,250	73,116
2008/09	#	#	#	#	#
2009/10	#	#	#	#	#
2010/11	7	121,900	70,872	190,845	383,617
2011/12	8	73,072	13,700	88,298	175,070
2012/13	28	90,309	72,381	263,334	426,024
2013/14	6	17,797	4,397	28,600	50,794
2014/15	7	23,250	6,781	70,222	100,253
2015/16	8	93,219	14,460	117,982	225,661
2016/17	13	95,654	51,025	221,288	367,966
2017/18	18	193,994	86,517	700,865	981,376
Grand Total	113	787,188	345,730	1,788,008	2,920,926

Table 3: Number of Claims Closed without damages paid between financial years 1996/97 and 2017/18 under the Speciality "Dentistry" where one of the Causes is "Fail/Delay Referring To Hosp.", "Failure/Delay Diagnosis" or "Fail / Delay Treatment"

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	NIL Damages

Year of Closure (Settlement Year for PPOs)	No_of_Claims	Damages Paid	Defence Costs Paid	Claimant Costs Paid	Total Paid
2002/03	#	0	#	#	#
2003/04	#	0	#	#	#
2004/05	#	0	#	#	#
2005/06	#	0	#	#	#
2006/07	#	0	#	#	#
2007/08	5	0	1,405	0	1,405
2008/09	#	0	#	#	#
2009/10	#	0	#	#	#
2010/11	8	0	13,600	0	13,600
2011/12	6	0	5,299	0	5,299
2012/13	20	0	24,326	4,167	28,493
2013/14	12	0	60,655	4,200	64,855
2014/15	20	0	25,174	400	25,574
2015/16	21	0	19,176	0	19,176
2016/17	28	0	17,034	0	17,034
2017/18	29	0	42,033	0	42,033
Grand Total	165	0	218,684	8,767	227,451