



Resolution

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September 2019
FOI_3943

The following information was requested on 8 August 2019:

- 1. Can you provide me with data (based on the financial year 2018/2019 in which the claim was paid) arising from a general misdiagnosis (which I believe has the cause code "Failure/Delay Diagnosis"), where this is either the first or second cause of the claim? Please state the number of successful claims and the total amount of damages paid to settle these claims.*
- 2. If a NHS Trust had ten or more claims paid out within the three year period of 2016/17, 2017/18 and 2018/19 where misdiagnosis was either the first or second cause of the claim then please provide the name of the trust and the total value in compensation in relation to those claims and the number of those claims for the three year period?*
- 3. Please provide the three highest figures that have been paid out to patients where claims were found in their favour in 2018/2019 where misdiagnosis was either the first or second cause of the claim?*
- 4. Can you provide me with data (based on the financial year 2018/2019 in which the claim was paid) arising from a general misdiagnosis (which I believe has the cause code "Failure/Delay Diagnosis"), where this is either the first or second cause of the claim and where "cancer" or "malignant" is in the free write field? Please state the number of successful claims and the total amount of damages paid to settle these claims.*
- 5. If a NHS Trust had five or more claims paid out in the three year period of 2016/17, 2017/18 and 2018/19 where misdiagnosis was either the first or second cause of the claim and where "cancer" or "malignant" is in the free write field then please provide the name of the trust and the total value in compensation in relation to those claims and the number of those claims in the three year period.*
- 6. Please provide the three highest figures that have been paid out to patients where claims were found in their favour in 2018/2019 where misdiagnosis was either the first or second cause of the claim, and where "cancer" or "malignant" is in the free write field?*

Our Response

Please find attached the information held in respect of Qs 1-2 and Qs 4-5.

We have not provided the information for Qs 3 and 6 due to 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(3) (a) (i) of the 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.

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

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 and Cost of Claims Closed/Settled with damages paid in financial year 2018/19 where one of the cause codes is "Failure/Delay Diagnosis".](#)

[Table 2: Number and Cost of Claims Closed/Settled with damages paid in financial year 2018/19 where one of the cause codes is "Failure/Delay Diagnosis" and incident description contains "cancer" or "malignant".](#)

[Table 3: Trusts with a total of 10 or more Claims Closed/Settled with damages paid between financial years 2016/17 and 2018/19 where one of the cause codes is "Failure/Delay Diagnosis".](#)

[Table 4: Trusts with a total of 5 or more Claims Closed/Settled with damages paid between financial years 2016/17 and 2018/19 where one of the cause codes is "Failure/Delay Diagnosis" and incident description contains "cancer" or "malignant".](#)

Table 1: Number and Cost of Claims Closed/Settled with damages paid in financial year 2018/19 where one of the cause codes is "Failure/Delay Diagnosis".

Closed_Settled	Y
Clinical_NonClinical	Clinical
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)	No_of_Claims	Damages Paid
2018/19	1,348	237,495,754
Grand Total	1,348	237,495,754

Table 2: Number and Cost of Claims Closed/Settled with damages paid in financial year 2018/19 where one of the cause codes is "Failure/Delay Diagnosis" and incident description contains "cancer" or "malignant".

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid
IncidentDescription	(Multiple Items)

Year of Closure (Settlement Year for PPOs)	No_of_Claims	Damages Paid
2018/19	97	9,027,720
Grand Total	97	9,027,720

Table 3: Trusts with a total of 10 or more Claims Closed/Settled with damages paid between financial years 2016/17 and 2018/19 where one of the cause codes is "Failure/Delay Diagnosis".

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid
Closure_Year_or_PPOs_Settlement_Year	(All)

Year of Closure (Settlement Year for PPOs)----- Member Name	No_of_Claims	Damages Paid	Defence Costs Paid	Claimant Costs Paid	Total Paid
University Hospitals Birmingham NHS Foundation Trust	111	6,549,349	1,327,138	5,278,536	13,155,023
Pennington Acute Hospitals NHS Trust (The)	107	11,242,610	1,178,952	5,112,657	17,534,218
Hull & East Yorkshire Hospitals NHS Trust	92	4,895,345	806,253	3,472,947	9,174,545
Mid Yorkshire Hospitals NHS Trust (The)	85	7,631,931	1,049,114	5,707,926	14,388,971
Nottingham University Hospitals NHS Trust	71	12,953,515	1,378,921	3,262,762	17,595,197
South Tyneside and Sunderland NHS Foundation Trust	65	4,200,809	725,685	3,023,401	7,949,896
Northern Lincolnshire & Goole Hospitals NHS Foundation Trust	63	6,031,726	615,154	3,472,545	10,119,425
Manchester University NHS Foundation Trust	60	7,221,009	701,685	3,645,830	11,568,524
Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust	59	2,904,917	690,320	3,403,946	6,999,182
Department of Health	55	24,567,662	2,204,395	6,762,990	33,535,047
Barts Health NHS Trust	55	8,040,693	919,019	4,738,823	13,698,535
University Hospitals of Derby and Burton NHS Foundation Trust	52	3,152,696	490,184	2,100,705	5,743,586
The Leeds Teaching Hospitals NHS Trust	46	3,405,777	654,806	2,844,470	6,905,053
Sandwell & West Birmingham Hospitals NHS Trust	46	2,648,347	571,316	2,674,594	5,894,257
University Hospitals of Leicester NHS Trust	44	2,223,817	526,031	1,912,221	4,662,069
Barking, Havering and Redbridge University Hospitals NHS Trust	44	8,918,255	620,269	3,243,132	12,781,656
East Kent Hospitals University NHS Foundation Trust	43	3,185,725	294,708	1,956,033	5,436,466
East Lancashire Hospitals NHS Trust	43	9,048,269	614,756	2,801,234	12,464,259
United Lincolnshire Hospitals NHS Trust	43	3,737,352	643,984	2,381,446	6,762,783
Blackpool Teaching Hospitals NHS Foundation Trust	41	3,497,558	447,497	2,083,016	6,028,071
Portsmouth Hospitals NHS Trust	41	13,072,044	897,633	4,615,997	18,585,673
East Suffolk North Essex NHS Foundation Trust	41	2,857,958	535,771	3,153,555	6,547,284
Lewisham & Greenwich NHS Trust	40	26,463,341	1,500,486	5,336,700	33,300,527
Royal Cornwall Hospitals NHS Trust	40	4,720,883	658,220	2,493,856	7,872,959
Sheffield Teaching Hospitals NHS Foundation Trust	39	4,993,605	851,291	3,226,910	9,071,806
King's College Hospital NHS Foundation Trust	39	7,589,804	786,924	3,617,032	11,993,761
North West Anglia NHS Foundation Trust	39	9,822,281	753,754	3,014,968	13,591,003
Royal Free London NHS Foundation Trust	39	11,647,131	768,284	3,173,040	15,588,456
Calderdale & Huddersfield NHS Foundation Trust	38	4,062,921	406,620	1,771,116	6,240,657
East Sussex Healthcare NHS Trust	37	4,816,249	642,056	2,247,850	7,706,156
Barnsley Hospital NHS Foundation Trust	37	3,781,730	590,806	2,574,583	6,947,119
Frimley Health NHS Foundation Trust	36	3,239,627	532,752	2,403,286	6,175,665
Aintree University Hospitals NHS Foundation Trust	36	2,121,628	301,718	1,279,146	3,702,492
York Teaching Hospital NHS Foundation Trust	35	14,187,210	845,345	4,730,212	19,762,766
University Hospitals of Morecambe Bay NHS Foundation Trust	34	3,449,534	427,292	2,393,720	6,270,546
Bradford Teaching Hospitals NHS Foundation Trust	34	5,572,239	447,357	2,417,595	8,437,191
Worcestershire Acute Hospitals NHS Trust	33	3,672,021	382,132	1,600,017	5,654,170
Mid Essex Hospital Services NHS Trust	32	1,971,411	294,569	1,754,616	4,020,596
Bolton Hospitals NHS Foundation Trust	32	2,790,590	374,803	1,656,480	4,821,873
University Hospitals of North Midlands NHS Trust	31	4,376,231	579,370	1,891,196	6,846,796
Royal Wolverhampton NHS Trust (The)	31	4,381,170	402,525	1,952,987	6,736,682
Stockport NHS Foundation Trust	31	4,567,136	427,604	1,648,178	6,642,917
University Plymouth Hospitals NHS Trust	31	3,161,955	969,748	2,548,175	6,679,878
Cambridge University Hospitals NHS Foundation Trust	30	9,547,815	539,511	3,397,406	13,484,732
NHS Commissioning Board	30	3,002,402	451,056	2,264,664	5,718,122
Maidstone and Tunbridge Wells NHS Trust	30	6,166,773	777,277	3,210,427	10,154,477
East and North Hertfordshire NHS Trust	29	5,679,253	696,317	2,629,330	9,004,900
Shrewsbury and Telford Hospital NHS Trust	29	1,973,346	329,265	1,652,412	3,955,022
Sherwood Forest Hospitals NHS Foundation Trust	29	6,568,643	718,154	2,830,859	10,117,657
University Hospitals Coventry & Warwickshire NHS Trust	29	4,470,480	415,399	1,854,512	6,740,390
Newcastle Upon Tyne Hospitals NHS Foundation Trust (The)	29	9,546,367	890,560	3,173,155	13,610,082
Northampton General Hospital NHS Trust	29	7,306,550	608,383	3,287,131	11,202,065
Southport and Ormskirk Hospital NHS Trust	28	1,572,547	373,513	1,774,913	3,720,973
Northumbria Healthcare NHS Foundation Trust	28	3,248,397	401,218	1,447,770	5,097,385
Brighton & Sussex University Hospitals NHS Trust	28	2,780,711	415,622	1,953,388	5,149,721
Tameside and Glossop Integrated Care NHS Foundation Trust	27	2,578,576	188,525	1,227,341	3,994,441
George Eliot Hospital NHS Trust	27	1,493,116	341,302	1,398,355	3,232,772
Norfolk & Norwich University Hospitals NHS Foundation Trust	27	838,676	183,008	879,655	1,901,339
Mid Cheshire Hospitals NHS Foundation Trust	27	3,400,425	263,367	1,203,330	4,867,122
North Cumbria University Hospitals NHS Trust	27	1,152,858	309,732	1,180,496	2,643,086
Wirral University Teaching Hospital NHS Foundation Trust	27	1,555,630	212,767	1,118,032	2,886,429
Countess of Chester Hospital NHS Foundation Trust	26	9,198,846	448,257	1,326,681	10,973,784
Hampshire Hospitals NHS Foundation Trust	26	3,522,416	519,886	1,787,332	5,829,633
St Helens and Knowsley Teaching Hospitals NHS Trust	26	6,293,903	564,998	1,726,900	8,585,801
Lancashire Teaching Hospitals NHS Foundation Trust	26	2,003,780	312,054	1,740,775	4,056,609
Chelsea & Westminster Hospital NHS Foundation Trust	26	6,851,905	558,485	2,013,733	9,424,123
University Hospital Southampton NHS Foundation Trust	26	8,021,867	392,276	2,511,223	10,925,366
Oxford University Hospitals NHS Foundation Trust	25	2,662,139	370,043	1,552,780	4,584,962
The Rotherham NHS Foundation Trust	25	2,638,126	380,445	1,791,428	4,809,998
Kettering General Hospital NHS Foundation Trust	25	4,349,763	384,317	1,803,615	6,537,695
Basildon and Thurrock University Hospitals NHS Foundation Trust	25	1,455,302	404,825	1,558,000	3,418,128
Western Sussex Hospitals NHS Trust	24	2,258,560	326,349	1,486,553	4,071,462

Table 3: Trusts with a total of 10 or more Claims Closed/Settled with damages paid between financial years 2016/17 and 2018/19 where one of the cause codes is "Failure/Delay Diagnosis".

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid
Closure_Year_or_PPOs_Settlement_Year	(All)

Year of Closure (Settlement Year for PPOs)----- Member Name	No_of_Claims	Damages Paid	Defence Costs Paid	Claimant Costs Paid	Total Paid
Walsall Healthcare NHS Trust	24	1,647,692	328,797	1,175,903	3,152,392
Warrington and Halton Hospitals NHS Foundation Trust	24	1,487,779	302,481	1,148,030	2,938,290
Gloucestershire Hospitals NHS Foundation Trust	23	5,683,614	557,476	2,472,175	8,713,264
James Paget University Hospitals NHS Foundation Trust	23	7,136,884	545,426	1,827,351	9,509,661
South Tees Hospitals NHS Foundation Trust	23	2,261,594	344,825	1,457,781	4,064,200
Salford Royal NHS Foundation Trust	23	2,382,196	333,853	1,218,098	3,934,147
Gateshead Health NHS Foundation Trust	23	1,708,425	219,587	911,260	2,839,272
Buckinghamshire Healthcare NHS Trust	23	3,860,526	319,978	1,506,379	5,686,883
Ashford & St Peter's Hospitals NHS Foundation Trust	23	1,129,358	196,262	1,015,912	2,341,532
Southend University Hospital NHS Foundation Trust	22	1,549,544	315,906	1,316,535	3,181,984
Chesterfield Royal Hospital NHS Foundation Trust	22	3,710,623	346,354	1,357,241	5,414,217
West Hertfordshire Hospitals NHS Trust	21	3,938,737	474,857	2,277,819	6,691,413
Milton Keynes Hospital NHS Foundation Trust	21	1,175,242	282,121	1,181,849	2,639,212
University College London Hospitals NHS Foundation Trust	21	6,888,198	700,947	2,988,566	10,577,711
London North West University Healthcare NHS Trust	21	3,728,465	400,634	1,840,758	5,969,858
Royal Berkshire NHS Foundation Trust	21	3,773,161	382,748	1,851,987	6,007,896
Salisbury NHS Foundation Trust	20	1,259,346	186,024	756,748	2,202,117
Medway NHS Foundation Trust	20	2,934,489	433,466	2,570,918	5,938,873
Dudley Group NHS Foundation Trust (The)	20	2,995,457	376,178	1,447,227	4,818,862
Torbay & South Devon NHS Foundation Trust	20	2,545,870	382,939	1,470,372	692,558
Royal Liverpool And Broadgreen University Hospitals NHS Trust (The)	19	6,546,870	619,939	2,563,976	9,730,784
Epsom and St Helier University Hospitals NHS Trust	19	1,160,327	241,431	1,199,662	2,601,420
Hillingdon Hospitals NHS Foundation Trust (The)	18	572,915	117,538	725,064	1,415,518
Great Western Hospitals NHS Foundation Trust	18	760,687	150,046	826,662	1,737,395
Guy's and St Thomas' NHS Foundation Trust	18	1,362,326	253,894	1,477,378	3,093,598
Dorset County Hospital NHS Foundation Trust	18	495,522	122,560	552,599	1,170,681
St George's University Hospitals NHS Foundation Trust	17	9,541,062	638,689	3,014,867	13,194,618
North Middlesex University Hospital NHS Trust	16	3,286,088	396,144	1,600,524	5,282,756
Kingston Hospital NHS Trust	16	2,600,281	176,071	1,676,222	4,452,574
Royal Devon and Exeter NHS Foundation Trust	16	8,825,265	627,520	2,674,294	12,127,080
Royal United Hospitals Bath NHS Foundation Trust	16	7,401,370	684,465	3,579,250	11,665,085
Dartford and Gravesham NHS Trust	16	1,016,477	159,115	827,960	2,003,551
Northern Devon Healthcare NHS Trust	16	1,899,862	340,965	1,002,398	3,243,225
East Cheshire NHS Trust	15	2,571,589	187,847	874,675	3,634,111
Royal Surrey County Hospital NHS Foundation Trust (The)	15	4,338,183	240,154	1,971,011	6,549,348
Luton and Dunstable University Hospital NHS Foundation Trust	15	2,311,580	362,193	1,164,477	3,838,250
Whittington Health NHS Trust	15	808,401	213,319	1,037,014	2,058,734
South Warwickshire NHS Foundation Trust	15	1,503,262	214,728	811,261	2,529,251
Harrogate & District NHS Foundation Trust	14	1,165,062	237,850	743,102	2,146,014
North Bristol NHS Trust	14	2,420,325	222,900	1,455,724	4,098,949
University Hospitals Bristol NHS Foundation Trust	14	4,109,671	351,622	1,864,520	6,325,813
Wrightington, Wigan and Leigh NHS Foundation Trust	14	4,398,055	344,128	1,637,113	6,379,296
Bedford Hospital NHS Trust	14	1,339,122	175,201	804,538	2,318,861
Princess Alexandra Hospital NHS Trust (The)	14	2,747,659	307,915	1,051,585	4,107,159
Homerton University Hospital NHS Foundation Trust	13	3,938,088	155,442	1,637,779	5,731,309
North Tees & Hartlepool NHS Foundation Trust	12	1,012,048	121,788	571,590	1,705,425
Imperial College Healthcare NHS Trust	12	9,277,037	485,981	1,847,273	11,610,291
Royal Bournemouth and Christchurch Hospitals NHS Foundation Trust (The)	11	180,305	110,246	512,250	802,801
Poole Hospital NHS Foundation Trust	11	3,525,958	245,782	975,825	4,747,565
Yeovil District Hospital NHS Foundation Trust	10	284,422	60,409	215,050	559,882
Croydon Health Services NHS Trust	10	2,618,653	175,690	848,500	3,642,843
Isle of Wight NHS Trust	10	3,613,622	171,705	449,127	4,234,454
Birmingham Women's and Children's NHS Foundation Trust	10	343,993	103,874	235,018	682,884
Grand Total	3,826	563,894,642	60,868,587	265,411,827	890,175,056

Table 4: Trusts with a total of 5 or more Claims Closed/Settled with damages paid between financial years 2016/17 and 2018/19 where one of the cause codes is "Failure/Delay Diagnosis" and incident description contains "cancer" or "malignant".

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid
Closure_Year_or_PPOs_Settlement_Year	(All)
IncidentDescription	(Multiple Items)

Year of Closure (Settlement Year for PPOs)----- Member Name	No_of_Claims	Damages Paid	Defence Costs	Claimant Costs	Total Paid
			Paid	Paid	
Mid Yorkshire Hospitals NHS Trust (The)	12	1,380,137	165,150	950,793	2,496,080
Pennine Acute Hospitals NHS Trust (The)	12	768,152	121,461	414,962	1,304,575
University Hospitals Birmingham NHS Foundation Trust	10	792,534	110,397	627,959	1,530,890
University Hospitals of Derby and Burton NHS Foundation Trust	8	564,750	76,410	339,113	980,274
Royal Free London NHS Foundation Trust	6	493,000	84,289	613,157	1,190,445
Oxford University Hospitals NHS Foundation Trust	6	115,500	19,833	113,897	249,230
Barts Health NHS Trust	6	363,941	44,284	302,657	710,882
University Hospitals of Morecambe Bay NHS Foundation Trust	5	827,461	41,150	271,150	1,139,760
Southport and Ormskirk Hospital NHS Trust	5	124,112	88,452	268,750	481,314
Barnsley Hospital NHS Foundation Trust	5	949,750	169,421	670,000	1,789,171
Nottingham University Hospitals NHS Trust	5	349,893	77,658	297,750	725,301
Northern Lincolnshire & Goole Hospitals NHS Foundation Trust	5	257,660	68,152	411,400	737,212
Aintree University Hospitals NHS Foundation Trust	5	218,815	16,773	88,482	324,070
Portsmouth Hospitals NHS Trust	5	630,014	79,893	418,945	1,128,852
Frimley Health NHS Foundation Trust	5	198,303	28,963	233,395	460,661
Basildon and Thurrock University Hospitals NHS Foundation Trust	5	177,947	47,224	300,889	526,060
University Hospitals of Leicester NHS Trust	5	331,379	98,911	234,802	665,093
South Tyneside and Sunderland NHS Foundation Trust	5	53,000	18,244	107,218	178,462
Grand Total	121	8,859,092	1,425,256	6,914,535	17,198,883