



Resolution

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February 2020
FOI_4366

The following information was requested on 14 February 2020:

Please could you provide the details of misdiagnosis that led to cancer - number of claims and total paid out? Could I ask this for the whole of England, by Trust?

Our Response

Please find attached the requested information.

We have suppressed low figures and are unable to provide the Trust breakdown 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. 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. 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.

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 [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 CNST Failure/Delay Diagnosis Cancer Claims](#)

[Table 2: Number and Cost of Claims Closed/Settled with damages paid between financial years CNST Failure/Delay Diagnosis Cancer Claims](#)

Table 1: Number of Claims received between financial years CNST Failure/Delay Diagnosis Cancer Claims

Notifications	Y
Clinical_NonClinical	Clinical

Notification Year	No. of Claims
2010/11	13
2011/12	11
2012/13	17
2013/14	10
2014/15	14
2015/16	18
2016/17	8
2017/18	5
Grand Total	96

Table 2: Number and Cost of Claims Closed/Settled with damages paid between financial years CNST Failure/Delay Diagnosis Cancer Claims

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2010/11	12	856,203	138,249	490,318	1,484,770
2011/12	8	681,583	72,741	460,200	1,214,525
2012/13	16	1,071,820	142,251	630,407	1,844,479
2013/14	11	1,137,500	57,301	541,200	1,736,001
2014/15	12	746,589	128,081	785,195	1,659,865
2015/16	7	1,140,712	84,907	756,334	1,981,953
2016/17	13	1,024,355	220,439	868,687	2,113,480
2017/18	24	3,967,778	327,248	1,793,540	6,088,567
2018/19	19	1,300,939	202,778	1,033,936	2,537,653
Grand Total	122	11,927,480	1,373,994	7,359,818	20,661,292