



Resolution

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December 2020
FOI_4861

The following information was requested on 24 November 2020:

Negligence cases that involve:-

- *Community Mental Health Services*
- *Psychiatry/ Mental Health*

and these cause codes

- *Fail / Delay Treatment*
- *Failure/Delay Diagnosis*
- *Wrong Diagnosis*

Our Response

Please find attached the requested information.

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 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

<https://ico.org.uk/>

Freedom of Information Request# : 4861

Data corrected as at 11/30/2020

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 : Analysis of Specialties for notifications of claims and incidents where Primary Causes are Fail/Delay Treatment, Failure/Delay diagnosis, Wrong diagnosis and Unlawful detention – mental health between financial years 2009/10 - 2019/20

Table 2 : Analysis of Primary Causes for notifications of claims and incidents where Primary Causes are Fail/Delay Treatment, Failure/Delay diagnosis, Wrong diagnosis and Unlawful detention – mental health between financial years 2009/10 - 2019/20

Data corrected as at 11/30/2020

Table 1 : Analysis of Specialties for notifications of claims and incidents where Primary Causes are Fail/Delay Treatment, Failure/Delay diagnosis, Wrong diagnosis and Unlawful detention – mental health between financial years 2009/10 - 2019/20

Notifications	Clinical_NonClinical
Y	Clinical

NHSLA_Notification_Year	Number of Claims
2009/10	
Comm Mental Servs	★
Psychiatry/ Mental Health	38
2010/11	
Comm Mental Servs	★
Psychiatry/ Mental Health	49
2011/12	
Comm Mental Servs	7
Psychiatry/ Mental Health	37
2012/13	
Comm Mental Servs	7
Psychiatry/ Mental Health	64
2013/14	
Comm Mental Servs	8
Psychiatry/ Mental Health	54
2014/15	
Comm Mental Servs	8
Psychiatry/ Mental Health	53
2015/16	
Comm Mental Servs	11
Psychiatry/ Mental Health	52
2016/17	
Comm Mental Servs	10
Psychiatry/ Mental Health	56
2017/18	
Comm Mental Servs	7
Psychiatry/ Mental Health	82
2018/19	
Comm Mental Servs	17
Psychiatry/ Mental Health	77
2019/20	
Comm Mental Servs	17
Psychiatry/ Mental Health	73

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Table 2 : Analysis of Primary Causes for notifications of claims and incidents where Primary Causes are Fail/Delay Treatment, Failure/Delay diagnosis, Wrong diagnosis and Unlawful detention – mental health between financial years 2009/10 - 2019/20

Notifications	Clinical_NonClinical
Y	Clinical

NHSLA_Notification_Year	Number of Claims
2009/10	
Fail / Delay Treatment	27
Failure/Delay Diagnosis	12
Unlawful Detention - Mntl Hlth	★
2010/11	
Fail / Delay Treatment	43
Failure/Delay Diagnosis	9
Wrong Diagnosis	★
2011/12	
Fail / Delay Treatment	29
Failure/Delay Diagnosis	10
Unlawful Detention - Mntl Hlth	★
Wrong Diagnosis	★
2012/13	
Fail / Delay Treatment	47
Failure/Delay Diagnosis	14
Unlawful Detention - Mntl Hlth	★
Wrong Diagnosis	8
2013/14	
Fail / Delay Treatment	44
Failure/Delay Diagnosis	12
Unlawful Detention - Mntl Hlth	★
Wrong Diagnosis	★
2014/15	
Fail / Delay Treatment	45
Failure/Delay Diagnosis	8
Unlawful Detention - Mntl Hlth	★
Wrong Diagnosis	6
2015/16	
Fail / Delay Treatment	43
Failure/Delay Diagnosis	16
Wrong Diagnosis	★
2016/17	
Fail / Delay Treatment	46
Failure/Delay Diagnosis	14
Wrong Diagnosis	6
2017/18	
Fail / Delay Treatment	63
Failure/Delay Diagnosis	12
Unlawful Detention - Mntl Hlth	7
Wrong Diagnosis	7
2018/19	
Fail / Delay Treatment	67
Failure/Delay Diagnosis	16
Unlawful Detention - Mntl Hlth	★
Wrong Diagnosis	7
2019/20	
Fail / Delay Treatment	70
Failure/Delay Diagnosis	8
Unlawful Detention - Mntl Hlth	★
Wrong Diagnosis	8