



# Resolution

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**Telephone:** 020 7811 2700

March 2021

FOI\_4982

The following information was requested on 5 March 2021:

*Could you please supply me with the following information concerning clinical and medical negligence complaints from cancer patients before and during the pandemic?*

*1. What guidance, if any, is given on medical negligence complaints, particularly from cancer patients, and the basis on which they can be rejected?*

*2. What was the number of medical negligence complaints from cancer patients received in 2020?*

*Could I also please get the number of complaints for 2019?*

*If possible, could this data also be filtered into the type of cancer e.g. lung?*

*3. What was the total cost in damages from medical negligence claims of cancer patients in 2020? What was the total cost in 2019?*

## **Our Response**

Thank you for your request for information. The role of [NHS Resolution](#) is:

- To manage clinical and non-clinical negligence claims on behalf of the members of our indemnity schemes and the beneficiaries of state-backed indemnity for general practice.
- To provide expert advice, support and interventions in relation to concerns about the individual performance of doctors, dentists and pharmacists.
- To offer an impartial tribunal service for the fair handling of appeals and disputes between NHS England and primary care contractors (GPs, dentists, opticians and pharmacists).
- To support members locally to better understand their claims risk profiles to target their safety activity and collaborate with others to sharing learning across the system at a national level.

Unfortunately we do not hold information about all complaints concerning the treatment of cancer patients. You may wish to contact [NHS England](#) in this regard.

We would only hold information once a claim had been notified to us.

In terms of the impact of the Corona Virus on cancer patients, it is more likely that any claims notified regarding this would fall during the financial period 2020/21. The data for the financial period 2020/21 will not be ready until July 2021 as it is subject to audit.

For details of the claims data that we publish please refer to our [Annual Report Statistics](#).

For information about the clinical negligence scheme for Coronavirus please see the following link: [Clinical Negligence Scheme for Coronavirus](#)

We could provide you with high level data relating to:

- The injury – Advanced Staged Cancer
- The injury – Cancer

It could cover number of claims received for the above injuries in the relevant financial years; a breakdown by specialty; a breakdown by primary cause; numbers settled; numbers with no damages paid and numbers currently open. Please let us know if you would be interested in this data.

Please specify which financial years you would like the data to cover e.g. 2016/17 – 2019/20.

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.

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/>