



Resolution

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April 2021
FOI_5011

The following information was requested on 1 April 2021:

Thank you for your response to my FOI_4982 request and the resource links.

I would like to ask, in reference to the response, if I could please have access to the 'high level data' relating to 'The injury- Cancer' and 'The injury- Advanced Staged Cancer' for the financial years 2018/2019 and 2019/2020?

Our Response

Please find attached the requested information.

In terms of tables 4 and 5 - The data provided reflects the number of claims settled and paid in each financial year and not the number of claims received in that year by NHS Resolution. Due to the nature of clinical negligence claims and the level of investigation needed to bring them to a resolution, claims received and notified in a specific year may take years to settle.

We have suppressed low numbers 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 FOI 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/>

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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.

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Table 1: Number of Clinical Negligence Claims where the main Injury is Cancer or Advanced Stage Cancer, received between financial years 2018/19 and 2019/20

Notifications	Y
Clinical_NonClinical	(All)
Scheme	(All)

Notification Year	No. of Claims
2018/19	518
2019/20	527
Grand Total	1,045

Table 2: Number of Clinical Negligence Claims where the main Injury is Cancer or Advanced Stage Cancer, received between financial years 2018/19 and 2019/20, broken down by Specialty

Notifications	Y
Clinical_NonClinical	Clinical

No. of Claims Notification Year	Column Labels		
	2018/19	2019/20	Grand Total
Cardio Surgery	#	#	#
Cardiology	8	#	9
Chemical Pathology/ Biochemistry	#	#	7
Dentistry	#	#	#
Dermatology	14	12	26
Endocrinology	#	#	#
Gastroenterology	39	46	85
General Medicine	9	12	21
General Practice	#	#	5
General Surgery	40	41	81
Genito-Urinary Medicine	#	#	#
Geriatric Medicine	#	#	#
Gynaecology	46	52	98
Haematology	7	#	10
HM Prison Medical/dental	#	#	#
Microbiology/ Virology	#	#	#
Neurology	#	#	6
Neurosurgery	#	#	#
Not Specified	#	#	#
Obstetrics	#	#	#
Oncology	53	76	129
Ophthalmology	#	#	5
Oral & Maxillo Facial Surgery	8	11	19
Orthopaedic Surgery	7	6	13
Other	#	#	#
Otorhinolaryngology/ ENT	27	19	46
Paediatrics	#	#	7
Physiotherapy	#	#	#
Plastic Surgery	#	#	6
Psychiatry/ Mental Health	#	#	#
Radiology	109	98	207
Radiotherapy	#	#	#
Renal Medicine	#	#	7
Respiratory Medicine/ Thoracic Medic	15	17	32
Rheumatology	#	#	#
Surgical Speciality - Other	10	11	21
Urology	33	44	77
Vascular Surgery	#	#	#
Histopathology	25	28	53
Forensic Pathology	#	#	#
Genetics	#	#	#
Emergency Medicine	22	11	33
Grand Total	518	527	1,045

Table 3: Number of Clinical Negligence Claims where the main Injury is Cancer or Advanced Stage Cancer, received between financial years 2018/19 and 2019/20, broken down by the main Cause

Notifications	Y
Clinical_NonClinical	Clinical

No. of Claims Notification Year	Column Labels		
	2018/19	2019/20	Grand Total
Delay In Performing Operation	#	7	11
Err With Agnt/Dose/Route/Selec	#	#	#
Fail / Delay Treatment	132	123	255
Fail To Act On Abnorm Test Res	40	33	73
Fail To Follow-Up Arrangements	24	34	58
Fail To Infrm Test Rslts	5	#	7
Fail To Interpret USS	#	#	5
Fail To Recog. Complication Of	#	#	#
Fail To Warn-Informed Consent	#	#	5
Fail/Delay Referring To Hosp.	#	#	6
Failure To Interpret X-Ray	42	46	88
Failure To Perform Operation	#	#	#
Failure To Perform Tests	16	15	31
Failure To X-Ray	#	5	6
Failure/Delay Diagnosis	226	238	464
Inappropriate Treatment	#	#	7
Intra-Op Problems	#	#	#
Medication Errors	#	#	#
Operator Error	#	#	#
Other	#	#	#
Perform. Of Op. Not Indicated	#	#	#
Probs With Medical Records	#	#	#
Wrong Diagnosis	9	7	16
Grand Total	518	527	1,045

Table 4: Number of Clinical Negligence Claims where the main Injury is Cancer or Advanced Stage Cancer, Closed or Settled with Damages paid between financial years 2018/19 and 2019/20

Closed_Settled	Y
Clinical_NonClinical	Clinical
Claim_Outcome_FOI	Damages Paid
Year of Closure (Settlement Year for PPOs)	
	No. of Claims
2018/19	237
2019/20	351
Grand Total	588

Table 5: Number of Clinical Negligence Claims where the main Injury is Cancer or Advanced Stage Cancer, Closed or Settled with Nil Damages paid between financial years 2018/19 and 2019/20

Closed_Settled	Y
Clinical_NonClinical	Clinical
Claim_Outcome_FOI	NIL Damages

Year of Closure (Settlement Year for PPOs)	No. of Claims
2018/19	128
2019/20	154
Grand Total	282