

The following information was requested on 15 September 2021:

1. *Can you provide me with data (based on the financial year 2019/2020 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 2017/18, 2018/19 and 2019/20 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 2019/2020 where misdiagnosis was either the first or second cause of the claim?*
4. *Can you provide me with data (based on the financial year 2019/2020 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 2017/18, 2018/19 and 2019/20 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 2019/2020 where misdiagnosis was either the first or second cause of the claim, and where "cancer" or "malignant" is in the free write field?*

**NOTE:**

7. *If you have the data for 2020/21 available, please answer Questions 1, 3, 4 and 6 again but this time using the data for claims settled in 2020/21.*
8. *If you have the data for 2020/21 available, please answer Questions 2 and 5 but please substitute the three year time period in both to become the 2018/19, 2019/20 and 2020/21 financial years.*

## Our Response

Please find attached the information held in respect of Qs 1-2, Qs 4-5 & Qs 7-8. Please note the information provided for this request will not be comparable to previous responses on the same subject matter.

For questions 4 and 5 we have relied on the cause code "Failure/Delay Diagnosis" where the injury codes are: 'cancer', 'advanced stage cancer' or 'malignant tumour' as

this is more accurate and provides more consistent data, rather than relying on the incident description field which is the free text field and is subjective. Therefore, inferences cannot be drawn from the attached information compared with previous responses as it is based on a different search criteria to previous requests.

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(3A)(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.

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

<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.**

Table 1: Number and Cost of Claims Closed/Settled in financial years 2019/20 and 2020/21 with damages paid, where the first or second cause is 'Failure/Delay Diagnosis'. (includes the damages paid to date for any claims settled on a periodical payment order basis)

Table 2: Trusts with a total of 10 or more Claims Closed/Settled between financial years 2018/19 and 2020/21 with damages paid, where the first or second cause code is 'Failure/Delay Diagnosis'. (includes the damages paid to date for any claims settled on a periodical payment order basis)

Table 3: Number and Cost of Claims Closed/Settled in financial years 2019/20 and 2020/21 with damages paid, where one of the cause codes is 'Failure/Delay Diagnosis' and at least one of the injury codes is 'cancer', 'advanced stage cancer' or 'malignant tumour'. (includes the damages paid to date for any claims settled on a periodical payment order basis)

Table 4: Trusts with a total of 5 or more Claims Closed/Settled between financial years 2018/19 and 2020/21 with damages paid, where the first or second cause is 'Failure/Delay Diagnosis' and at least one of the injury codes is 'cancer', 'advanced stage cancer' or 'malignant tumour' (includes the damages paid to date for any claims settled on a periodical payment order basis).

**Table 1: Number and Cost of Claims Closed/Settled in financial years 2019/20 and 2020/21 with damages paid, where the first or second cause is 'Failure/Delay Diagnosis'. (includes the damages paid to date for any claims settled on a periodical payment order basis)**

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Closed_Settled	Y
Clinical_NonClinical	Clinical
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid
2019/20	1,291	201,763,758
2020/21	1,123	164,324,294
<b>Grand Total</b>	<b>2,414</b>	<b>366,088,053</b>

**Table 2: Trusts with a total of 10 or more Claims Closed/Settled between financial years 2018/19 and 2020/21 with damages paid, where the first or second cause code is 'Failure/Delay Diagnosis'. (includes the damages paid to date for any claims settled on a periodical payment order basis)**

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

Year of Closure (Settlement Year for PPOs)-- Membr	No. of Claims	Damages Paid	Defence Costs Paid	Claimant Legal Costs Paid	Total Paid
Mid and South Essex NHS Foundation Trust	91	14,546,974	1,502,756	5,628,965	21,678,694
University Hospitals Birmingham NHS Foundation Trust	86	7,492,921	1,149,072	3,715,340	12,357,334
Pennine Acute Hospitals NHS Trust (The)	84	16,216,691	1,297,338	4,701,153	22,215,182
County Durham and Darlington NHS Foundation Trust	78	4,444,615	1,151,692	4,888,559	10,484,866
Nottingham University Hospitals NHS Trust	74	17,563,115	1,792,318	4,340,197	23,695,630
University Hospitals of Derby and Burton NHS Foundati	69	9,832,139	1,033,882	3,237,113	14,103,134
United Lincolnshire Hospitals NHS Trust	66	5,835,679	749,167	2,983,407	9,568,253
University Hospitals Sussex NHS Foundation Trust	58	11,024,156	856,684	3,413,778	15,294,619
Northern Lincolnshire & Goole Hospitals NHS Foundati	57	6,944,956	566,588	2,884,971	10,396,516
Mid Yorkshire Hospitals NHS Trust (The)	52	2,993,401	469,582	2,229,523	5,692,506
Liverpool University Hospitals NHS Foundation Trust	48	4,905,908	772,305	2,840,098	8,518,311
Hull University Teaching Hospitals NHS Trust	48	4,618,512	664,550	2,326,373	7,609,435
Barts Health NHS Trust	48	8,153,139	784,866	3,576,113	12,514,119
Department of Health & Social Care	46	16,374,771	1,665,451	4,766,168	22,806,391
Royal Free London NHS Foundation Trust	46	13,264,303	1,062,564	4,162,711	18,489,578
North West Anglia NHS Foundation Trust	46	9,795,679	780,124	3,059,956	13,635,759
Manchester University NHS Foundation Trust	45	4,844,324	537,670	2,231,028	7,613,021
South Tyneside and Sunderland NHS Foundation Trust	45	1,578,198	435,913	1,476,139	3,490,251
University Hospitals of Leicester NHS Trust	45	7,706,675	684,409	2,082,876	10,473,960
Royal Cornwall Hospitals NHS Trust	42	2,629,316	506,517	1,816,194	4,952,027
Worcestershire Acute Hospitals NHS Trust	40	13,626,742	564,919	3,174,444	17,366,105
University Hospitals Coventry & Warwickshire NHS Tru	40	7,520,592	345,126	1,407,844	9,273,562
Doncaster and Bassetlaw Teaching Hospitals NHS Fou	39	2,898,047	342,613	1,621,144	4,861,804
East Kent Hospitals University NHS Foundation Trust	38	4,056,405	456,678	2,059,761	6,572,844
Lewisham & Greenwich NHS Trust	37	6,212,820	861,620	2,913,262	9,987,702
East Lancashire Hospitals NHS Trust	36	7,674,117	478,024	1,883,104	10,035,244
The Leeds Teaching Hospitals NHS Trust	36	3,201,449	416,877	1,813,156	5,431,482
University Hospitals of North Midlands NHS Trust	36	4,819,553	574,998	1,946,806	7,341,357
Sandwell & West Birmingham Hospitals NHS Trust	34	4,662,769	665,972	2,418,669	7,747,410
Northumbria Healthcare NHS Foundation Trust	33	2,613,561	254,957	1,186,143	4,054,661
Northampton General Hospital NHS Trust	33	4,900,732	404,286	2,414,184	7,719,202
King's College Hospital NHS Foundation Trust	33	10,385,566	956,366	3,788,273	15,130,206
Sherwood Forest Hospitals NHS Foundation Trust	33	8,211,443	755,538	2,804,691	11,771,672
Barking, Havering and Redbridge University Hospitals	33	9,328,547	752,358	3,232,318	13,313,224
Chelsea & Westminster Hospital NHS Foundation Trust	32	14,481,026	857,274	3,284,930	18,623,231
Tameside and Glossop Integrated Care NHS Foundati	32	2,597,661	300,865	1,513,536	4,412,062
Barnsley Hospital NHS Foundation Trust	32	2,544,971	392,432	1,491,367	4,428,771
Shrewsbury and Telford Hospital NHS Trust	32	2,010,474	352,811	1,464,076	3,827,361
Calderdale & Huddersfield NHS Foundation Trust	32	1,240,913	193,245	1,359,569	2,793,727
Frimley Health NHS Foundation Trust	31	6,538,524	560,895	2,279,732	9,379,151
East and North Hertfordshire NHS Trust	30	12,627,711	777,099	3,490,296	16,895,106
Countess of Chester Hospital NHS Foundation Trust	30	6,046,725	562,707	2,256,664	8,866,096
University Hospitals of Morecambe Bay NHS Foundatio	29	2,335,044	319,702	1,298,276	3,953,022
Norfolk & Norwich University Hospitals NHS Foundatio	28	1,582,650	243,935	888,291	2,714,877
Walsall Healthcare NHS Trust	27	2,588,396	282,591	1,095,309	3,966,296
East Sussex Healthcare NHS Trust	27	2,531,769	442,892	1,088,295	4,062,955
Ashford & St Peter's Hospitals NHS Foundation Trust	27	2,788,804	299,881	1,792,349	4,881,034
Buckinghamshire Healthcare NHS Trust	27	6,304,543	510,299	2,437,148	9,251,990
Warrington and Halton Hospitals NHS Foundation Trust	27	1,282,850	223,485	798,951	2,305,286
East Suffolk and North Essex NHS Foundation Trust	26	1,371,829	380,775	1,814,441	3,567,045
South Tees Hospitals NHS Foundation Trust	25	1,303,835	289,861	1,032,350	2,626,045
York and Scarborough Teaching Hospitals NHS Founde	25	3,609,549	388,344	1,380,928	5,378,820
Newcastle Upon Tyne Hospitals NHS Foundation Trust	25	10,015,750	855,743	3,227,371	14,098,865
Mid Cheshire Hospitals NHS Foundation Trust	23	879,284	209,165	832,168	1,920,616
Gloucestershire Hospitals NHS Foundation Trust	23	927,897	127,522	867,664	1,923,083
Bradford Teaching Hospitals NHS Foundation Trust	23	896,008	212,514	1,008,204	2,116,726

**Table 2: Trusts with a total of 10 or more Claims Closed/Settled between financial years 2018/19 and 2020/21 with damages paid, where the first or second cause code is 'Failure/Delay Diagnosis'. (includes the damages paid to date for any claims settled on a periodical payment order basis)**

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

Year of Closure (Settlement Year for PPOs)-- Membr	No. of Claims	Damages Paid	Defence Costs Paid	Claimant Legal Costs Paid	Total Paid
Princess Alexandra Hospital NHS Trust (The)	22	6,943,219	512,578	2,008,138	9,463,935
Bedfordshire Hospitals NHS Foundation Trust	22	7,609,605	713,539	2,039,207	10,362,351
St Helens and Knowsley Teaching Hospitals NHS Trust	22	2,145,412	383,704	1,510,912	4,040,029
Blackpool Teaching Hospitals NHS Foundation Trust	22	2,663,895	300,861	1,149,388	4,114,144
Medway NHS Foundation Trust	21	6,985,512	406,084	1,728,431	9,120,027
Royal Berkshire NHS Foundation Trust	21	5,312,727	509,593	1,829,000	7,651,320
Maidstone and Tunbridge Wells NHS Trust	21	5,734,130	470,292	1,525,591	7,730,013
Gateshead Health NHS Foundation Trust	21	4,437,930	470,925	1,505,560	6,414,415
Dudley Group NHS Foundation Trust (The)	21	2,087,951	488,982	1,734,275	4,311,208
NHS Commissioning Board	21	1,912,767	434,522	1,732,306	4,079,596
North Cumbria Integrated Care NHS Foundation Trust	20	1,379,634	246,914	1,009,100	2,635,647
Sheffield Teaching Hospitals NHS Foundation Trust	20	4,441,830	498,171	1,788,625	6,728,627
Lancashire Teaching Hospitals NHS Foundation Trust	20	2,241,252	263,147	997,000	3,501,399
Wirral University Teaching Hospital NHS Foundation Trust	20	796,837	105,992	624,219	1,527,048
University Hospital Southampton NHS Foundation Trust	20	885,349	168,273	824,710	1,878,332
North Bristol NHS Trust	20	3,473,414	466,517	1,993,575	5,933,507
The Rotherham NHS Foundation Trust	19	2,126,192	220,126	1,110,866	3,457,184
East Cheshire NHS Trust	19	3,871,272	304,906	1,140,028	5,316,206
Bolton Hospitals NHS Foundation Trust	19	9,741,023	384,213	1,099,980	11,225,216
Epsom and St Helier University Hospitals NHS Trust	19	1,033,005	176,240	885,848	2,095,094
Cambridge University Hospitals NHS Foundation Trust	19	6,322,315	417,601	1,683,544	8,423,460
Oxford University Hospitals NHS Foundation Trust	19	2,022,019	325,702	1,112,436	3,460,157
University College London Hospitals NHS Foundation Trust	19	1,623,592	210,050	1,183,869	3,017,511
University Hospitals Dorset NHS Foundation Trust	18	7,108,989	405,209	1,741,526	9,255,724
Wrightington, Wigan and Leigh NHS Foundation Trust	18	4,225,217	476,989	1,637,967	6,340,173
Southport and Ormskirk Hospital NHS Trust	18	616,712	196,203	517,925	1,330,841
Royal Wolverhampton NHS Trust (The)	18	6,328,047	410,632	1,692,288	8,430,967
Hampshire Hospitals NHS Foundation Trust	18	2,346,225	259,517	1,206,807	3,812,550
University Hospitals Bristol & Weston NHS Foundation Trust	17	9,116,787	425,665	1,517,250	11,059,703
Portsmouth Hospitals NHS Trust	17	4,446,426	304,402	1,428,816	6,179,644
St George's University Hospitals NHS Foundation Trust	16	5,939,601	552,084	3,264,017	9,755,702
West Hertfordshire Hospitals NHS Trust	16	4,141,178	306,846	1,282,842	5,730,866
George Eliot Hospital NHS Trust	16	1,060,093	267,936	784,308	2,112,337
Chesterfield Royal Hospital NHS Foundation Trust	16	443,913	123,074	490,600	1,057,586
Royal Devon and Exeter NHS Foundation Trust	16	901,090	170,971	805,300	1,877,361
Salisbury NHS Foundation Trust	16	1,342,290	230,204	625,342	2,197,836
West Suffolk NHS Foundation Trust	16	841,701	137,994	638,867	1,618,562
Kettering General Hospital NHS Foundation Trust	15	1,528,040	202,628	721,223	2,451,891
Wye Valley NHS Trust	15	2,469,154	298,754	938,828	3,706,736
Dartford and Gravesham NHS Trust	15	2,751,850	289,308	1,069,500	4,110,658
Guy's and St Thomas' NHS Foundation Trust	15	2,758,272	305,403	1,255,232	4,318,907
University Plymouth Hospitals NHS Trust	15	2,565,526	316,355	1,107,633	3,989,514
Hillingdon Hospitals NHS Foundation Trust (The)	15	9,275,470	360,814	1,133,892	10,770,176
Royal United Hospitals Bath NHS Foundation Trust	15	10,655,605	661,601	3,368,122	14,685,328
London North West University Healthcare NHS Trust	14	1,235,053	327,075	1,247,666	2,809,795
Stockport NHS Foundation Trust	14	1,896,551	279,597	939,300	3,115,447
Great Western Hospitals NHS Foundation Trust	13	577,071	156,887	663,100	1,397,058
Royal Surrey County Hospital NHS Foundation Trust (The)	13	893,075	168,530	576,000	1,637,605
James Paget University Hospitals NHS Foundation Trust	13	3,585,870	307,821	1,199,906	5,093,597
Croydon Health Services NHS Trust	11	1,420,280	271,073	922,250	2,613,603
Torbay & South Devon NHS Foundation Trust	11	1,265,116	179,842	789,929	2,234,886
North Tees & Hartlepool NHS Foundation Trust	11	575,292	128,891	407,250	1,111,434
Birmingham Women's and Children's NHS Foundation Trust	11	1,785,323	191,348	591,019	2,567,690
Salford Royal NHS Foundation Trust	11	672,929	117,062	525,507	1,315,498
North Middlesex University Hospital NHS Trust	10	2,574,591	317,532	1,202,998	4,095,122
Harrogate & District NHS Foundation Trust	10	614,712	114,694	419,892	1,149,298

**Table 2: Trusts with a total of 10 or more Claims Closed/Settled between financial years 2018/19 and 2020/21 with damages paid, where the first or second cause code is 'Failure/Delay Diagnosis'. (includes the damages paid to date for any claims settled on a periodical payment order basis)**

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

Year of Closure (Settlement Year for PPOs)-- Memb	No. of Claims	Damages Paid	Defence Costs Paid	Claimant Legal Costs Paid	Total Paid
Somerset NHS Foundation Trust	10	2,303,806	270,349	1,332,994	3,907,149
<b>Grand Total</b>	<b>3,248</b>	<b>533,436,767</b>	<b>53,090,040</b>	<b>205,989,086</b>	<b>792,515,892</b>

**Table 3: Number and Cost of Claims Closed/Settled in financial years 2019/20 and 2020/21 with damages paid, where one of the cause codes is 'Failure/Delay Diagnosis' and at least one of the injury codes is 'cancer', 'advanced stage cancer' or 'malignant tumour'. (includes the damages paid to date for any claims settled on a periodical payment order basis)**

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Closed_Settled	Y
Claim_Outcome_FOI	Damages Paid
Concatenated Injury	(Multiple Items)

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid
2019/20	181	21,708,744
2020/21	171	21,939,299
<b>Grand Total</b>	<b>352</b>	<b>43,648,043</b>



**Table 4: Trusts with a total of 5 or more Claims Closed/Settled between financial years 2018/19 and 2020/21 with damages paid, where the first or second cause is 'Failure/Delay Diagnosis' and at least one of the injury codes is 'cancer', 'advanced stage cancer' or 'malignant tumour' (includes the damages paid to date for any claims settled on a periodical payment order basis).**

Closed_Settled	Y
Claim_Outcome_FOI	Damages Paid
Closure_Year_or_PPOs_Settlement_Year	(Multiple Items)
Concatenated Injury	(Multiple Items)

Year of Closure (Settlement Year for PPOs)--Member No. of Claims	Damages Paid	Defence Costs Paid	Claimant Legal Costs Paid	Total Paid	
University Hospitals Birmingham NHS Foundation Trust	16	2,040,787	280,328	1,017,964	3,339,079
Pennine Acute Hospitals NHS Trust (The)	16	767,546	182,700	700,660	1,650,906
University Hospitals of Leicester NHS Trust	14	2,273,326	245,900	678,581	3,197,807
County Durham and Darlington NHS Foundation Trust	14	1,672,869	269,211	1,070,926	3,013,006
Mid and South Essex NHS Foundation Trust	11	629,500	191,582	809,965	1,631,047
Barts Health NHS Trust	10	1,718,056	183,533	678,785	2,580,374
Mid Yorkshire Hospitals NHS Trust (The)	9	559,966	74,353	371,448	1,005,767
Worcestershire Acute Hospitals NHS Trust	9	920,664	73,244	476,063	1,469,971
South Tyneside and Sunderland NHS Foundation Trust	9	410,800	98,461	325,016	834,277
Royal Cornwall Hospitals NHS Trust	9	824,243	117,898	465,500	1,407,641
Department of Health & Social Care	8	1,582,821	124,112	563,355	2,270,288
Northern Lincolnshire & Goole Hospitals NHS Foundatio	8	510,731	35,379	308,138	854,247
Royal Free London NHS Foundation Trust	7	544,500	58,054	497,600	1,100,154
University Hospitals of Derby and Burton NHS Foundatio	7	775,821	97,302	287,700	1,160,823
Manchester University NHS Foundation Trust	7	421,610	141,239	344,500	907,349
Ashford & St Peter's Hospitals NHS Foundation Trust	7	231,795	25,284	207,777	464,856
York and Scarborough Teaching Hospitals NHS Founda	7	654,861	48,016	268,125	971,002
East Lancashire Hospitals NHS Trust	7	443,774	16,574	126,937	587,284
South Tees Hospitals NHS Foundation Trust	7	378,699	95,326	379,850	853,875
University Hospitals of Morecambe Bay NHS Foundation	6	1,175,610	175,794	561,750	1,913,154
Norfolk & Norwich University Hospitals NHS Foundatio	6	171,530	37,127	184,500	393,157
Nottingham University Hospitals NHS Trust	6	818,461	143,685	437,950	1,400,097
East Kent Hospitals University NHS Foundation Trust	6	396,594	72,283	258,175	727,052
Shrewsbury and Telford Hospital NHS Trust	6	118,346	25,098	170,975	314,420
United Lincolnshire Hospitals NHS Trust	5	670,265	52,151	242,394	964,810
King's College Hospital NHS Foundation Trust	5	1,143,637	87,247	1,088,115	2,318,999
Warrington and Halton Hospitals NHS Foundation Trust	5	395,000	44,573	177,086	616,659
East Suffolk and North Essex NHS Foundation Trust	5	136,139	54,118	249,792	440,050
Sheffield Teaching Hospitals NHS Foundation Trust	5	790,325	180,809	426,720	1,397,854
Northumbria Healthcare NHS Foundation Trust	5	805,500	36,167	128,582	970,249
University Hospitals Coventry & Warwickshire NHS Trus	5	441,500	19,230	149,425	610,155
<b>Grand Total</b>	<b>247</b>	<b>24,425,276</b>	<b>3,286,779</b>	<b>13,654,354</b>	<b>41,366,409</b>