



Resolution

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August 2022
FOI_5465

The following information was requested on 23 June 2022:

1. Number of claims made for failure/delay in diagnosis and/or wrong diagnosis for the following years:

2020 - 2021

2019-2020

2018-2019

2017-2018

2. How many of these claims were as follows for each of the year as above

- successfully settled as a Periodical payment order

- successfully closed

- not upheld

- was dealt in courts

- any other outcome

3. value of claims successfully closed or settled as a periodical payment order (PPO) from 2017 until the end of 2021 where wrong diagnosis and/or 'failure/delay diagnosis' was either the first or second cause.

4. What are the top 10 misdiagnosed or failures to diagnose conditions for 2017 - 2021?

5. Are there any claims related to mental health between 2017-2021 and if yes, how many and what are they related to? and outcome, please?

Our Response

We only hold claims data for England (our schemes only cover England), not the UK.

In terms of Q4 of your request, we have interpreted this to mean the injury suffered by the claimant.

In terms of Q5 of your request, we have provided the injury suffered by the claimant as well as the specialty the claim relates to.

Please **find attached** the information we are able to provide in respect of 'Failure/Delay Diagnosis' or 'Wrong Diagnosis' claims.

Table 1 shows – Number of Claims and Incidents received between financial years 2017/18 - 2020/21 where the Primary Cause is **'Failure/Delay Diagnosis' or 'Wrong Diagnosis'**.

Please note claims notified/received and open are not guaranteed to be settled in the same year and can take many years to be concluded. Claims notified/received in any given year will often relate to incidents that have occurred many years prior. 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.

Many of the claims notified will have been repudiated and settled without damages paid.

Please also note that the data shows an increase in claims received in 2020/21. This is a reflection of the nature of individual claims received by NHS Resolution, which can vary significantly. As such, these fluctuations cannot be interpreted as trends.

Table 2 shows – Number and Cost of Claims Closed between financial years 2017/18 - 2020/21 with damages paid (includes the damages paid to date for any claims settled on a periodical payment order basis) where the Primary Cause is **'Failure/Delay Diagnosis' or 'Wrong Diagnosis'**.

Table 3 shows – Number and Cost of Claims Settled with a periodical payment order basis between financial years 2017/18 - 2020/21 where the Primary Cause is **'Failure/Delay Diagnosis' or 'Wrong Diagnosis'**.

The information disclosed includes Periodical payment order (PPO) payments made during this period. PPOs are an agreement between the parties, to pay an initial lump sum and regular future payments covering the injured party's ongoing care needs, usually for life.

Table 4 shows - Number and Cost of Claims Closed between financial years 2017/18 - 2020/21 with **NIL** damages paid where the Primary Cause is **'Failure/Delay Diagnosis' or 'Wrong Diagnosis'**.

Table 5 shows - Analysis of Primary Injuries for Claims Closed between financial years 2017/18 - 2020/21 with damages paid (including PPOs) where the Primary Cause is **'Failure/Delay Diagnosis' or 'Wrong Diagnosis'**.

Table 6 shows - Analysis of Specialities of Claims Closed between financial years 2017/18 - 2020/21 with damages paid (including PPOs) where the Primary Cause is **'Failure/Delay Diagnosis' or 'Wrong Diagnosis'**.

Table 7 shows - Number of claims which went to Trial between financial years 2017/18 - 2020/21 where the Primary Cause is '**Failure/Delay Diagnosis**' or '**Wrong Diagnosis**' by Outcome.

Low Numbers -

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(3A)(a) 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.

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](#), Deputy Director of Corporate and Information Governance, Data Protection Officer 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 Claims and Incidents received between financial years 2017/18 - 2020/21 where the Primary Cause is 'Failure/Delay Diagnosis' or 'Wrong Diagnosis'

Notifications Scheme	Y (All)
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Year of Notification	No. of Claims
2017/18	1,908
2018/19	1,952
2019/20	2,490
2020/21	2,368
Grand Total	8,718

Table 2: Number and Cost of Claims Closed between financial years 2017/18 - 2020/21 with damages paid (including PPOs) where the Primary Cause is 'Failure/Delay Diagnosis' or 'Wrong Diagnosis'

Closed_Settled	Y
Scheme	(All)
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2017/18	1,248	179,175,387	19,625,885	86,730,722	285,531,994
2018/19	1,158	218,550,582	19,846,961	83,012,275	321,409,817
2019/20	1,368	207,447,634	20,880,734	80,414,102	308,742,471
2020/21	1,172	172,386,310	19,141,842	66,951,863	258,480,015
Grand Total	4,946	777,559,914	79,495,422	317,108,962	1,174,164,297

Table 3: Number and Cost of Claims Settled with a PPO between financial years 2017/18 - 2020/21 where the Primary Cause is 'Failure/Delay Diagnosis' or 'Wrong Diagnosis'

Closed_Settled	Y
Scheme	(All)
Claim_Outcome_FOI	Damages Paid
Is_PPO	Yes

Settlement Year for PPOs	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2017/18	22	62,893,043	2,499,258	10,618,847	76,011,147
2018/19	31	89,228,654	4,141,806	15,903,967	109,274,427
2019/20	18	57,379,887	2,158,114	8,968,587	68,506,588
2020/21	15	33,708,177	1,643,351	4,614,589	39,966,117
Grand Total	86	243,209,760	10,442,529	40,105,989	293,758,279

Table 4: Number and Cost of Claims Closed between financial years 2017/18 - 2020/21 with NIL damages paid where the Primary Cause is 'Failure/Delay Diagnosis' or 'Wrong Diagnosis'

Closed_Settled	Y
Scheme	(All)
Claim_Outcome_FOI	NIL Damages

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2017/18	605	0	2,596,769	93,012	2,689,777
2018/19	636	0	3,363,358	1,029	3,362,387
2019/20	663	0	3,201,141	42,812	3,239,714
2020/21	886	0	3,408,560	358,496	3,767,056
Grand Total	2,790	0	12,569,828	495,349	13,058,934

Table 5: Analysis of Primary Injuries for Successful Claims Closed between financial years 2017/18 - 2020/21 with damages paid (including PPOs) where the Primary Cause is 'Failure/Delay Diagnosis' or 'Wrong Diagnosis'

Closed_Settled Scheme	Y (All)
Claim_Outcome_FOI	Damages Paid

Primary Injuries	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Unnecessary Pain	976	31,722,879	6,772,948	31,526,302	70,022,129
Fatality	521	59,571,839	7,556,495	29,871,511	96,999,845
Adtnl/unnecessary Operation(s)	457	31,760,743	5,130,402	21,256,186	58,147,332
Cancer	355	39,209,519	5,104,586	21,105,117	65,419,222
Fracture	259	6,295,957	1,620,711	7,314,277	15,230,945
Poor Outcome - Fractures Etc.	240	10,701,993	2,343,687	10,316,098	23,361,778
Advanced Stage Cancer	203	18,857,200	2,932,257	12,385,741	34,175,198
Psychiatric/Psychological Dmge	130	4,791,783	983,777	4,779,036	10,554,597
Bowel Damage/ Dysfunction	116	31,413,451	3,433,415	14,170,721	49,017,587
Nerve Damage	108	30,677,557	3,428,406	12,574,622	46,680,585
Brain Damage	89	165,471,000	8,040,420	28,055,463	201,566,883
Other Visual Problems	84	9,976,960	1,109,463	4,286,255	15,372,678
Tendon Damage	78	1,604,543	470,248	1,983,063	4,057,855
Amputation - Lower	69	40,094,097	3,433,150	11,526,028	55,053,275
Spinal Damage	65	23,876,496	2,807,341	10,119,974	36,803,812
Joint Damage	59	8,019,973	1,026,223	3,851,104	12,897,300
Bladder Damage	52	3,914,175	751,024	2,448,287	7,113,485
Removal Of Testicle	50	1,019,120	149,801	1,135,212	2,304,133
Cardiac Arrest	46	8,480,631	1,032,376	4,262,666	13,775,673
Other Infection	45	3,049,573	647,883	2,347,847	6,045,302
Blindness	43	16,458,030	1,340,233	4,103,661	21,901,924
Stroke	41	17,401,767	1,650,241	5,020,254	24,072,263
Scarring	39	2,447,402	556,072	2,087,857	5,091,331
Thrombosis/Embolism	36	1,921,309	422,303	1,415,933	3,759,544
Perforation	36	5,415,802	600,181	2,694,591	8,710,574
Reduced Life Expectancy	35	4,810,554	411,243	1,631,839	6,853,636
Peritonitis	33	1,297,760	288,832	1,650,867	3,237,460
Other	33	1,304,653	213,098	1,257,820	2,775,571
Rupture	31	971,468	235,009	1,125,069	2,331,546
Removal Of Fallopian Tube	31	349,343	185,402	942,137	1,476,882
Dislocation	30	3,579,578	314,796	1,314,903	5,209,278
Compartment Syndrome	29	5,253,923	731,860	2,917,289	8,903,072
Pressure Sores	28	671,563	127,169	715,867	1,514,598
Stillborn	27	1,044,664	153,927	1,252,693	2,451,284
Paraplegia	24	34,436,430	1,604,135	6,042,883	42,083,448
Malignant Tumour	24	2,934,189	427,542	1,310,515	4,672,246
Renal Damage/ Failure	23	3,492,032	596,474	2,115,903	6,204,409
Cardiovascular Condition	22	865,113	246,397	1,420,344	2,531,854
Partial Paralysis	21	13,058,046	1,045,039	5,095,595	19,198,680
Respiratory Disorder/ Failure	21	663,221	310,424	1,132,414	2,106,059
Tissue Damage	20	4,511,336	342,973	1,703,551	6,557,860
Incontinence	19	4,780,572	493,924	2,242,873	7,517,369
Infertility	18	1,432,557	291,576	1,080,406	2,804,539
Amputation - Upper	16	4,596,662	292,540	1,169,643	6,058,845
Multiple Disabilities	12	12,717,649	926,182	2,728,449	16,372,279
Limb Deformity	12	1,239,558	209,593	883,241	2,332,392
Multiple Injuries	12	2,274,683	297,204	1,471,147	4,043,034
Infectious Diseases	12	982,493	94,889	452,281	1,529,663
Foot Drop	11	3,660,273	402,932	1,265,625	5,328,830
Loss Of Kidney	11	3,108,539	286,278	805,101	4,199,918
Deafness	10	5,254,888	377,069	1,041,409	6,673,366

Table 5: Analysis of Primary Injuries for Successful Claims Closed between financial years 2017/18 - 2020/21 with damages paid (including PPOs) where the Primary Cause is 'Failure/Delay Diagnosis' or 'Wrong Diagnosis'

Closed_Settled Scheme	Y (All)
Claim_Outcome_FOI	Damages Paid

Primary Injuries	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Tuberculosis	10	4,182,021	372,469	1,249,132	5,803,622
Loss Of Baby	9	277,217	52,140	258,320	587,677
Aneurysm	9	386,324	81,906	409,225	877,455
Tetraplegia/ Quadraplegia	9	16,477,245	810,339	4,076,403	21,363,987
Fistula	8	2,118,832	200,374	778,104	3,097,310
Wrongful Birth	8	7,157,492	216,006	656,000	8,029,498
Partial Hearing Loss	7	4,505,626	148,981	678,217	5,332,823
Benign Tumour	7	1,228,398	104,047	356,000	1,688,445
Cystic Growth	7	221,171	15,729	163,075	399,976
Liver Damage	6	609,867	108,891	339,131	1,057,889
Cosmetic Disfigurement	6	137,300	39,115	178,670	355,085
Loss Of/Damage To Breast	6	611,500	106,874	332,000	1,050,374
Epilepsy	5	4,431,820	446,188	2,145,500	7,023,508
Anal Fissure	5	2,724,508	165,279	717,500	3,607,287
Thyroid Condition	5	229,000	27,682	204,500	461,182
Not Specified	5	77,552	13,074	80,323	170,949
Cerebral Palsy	5	14,440,953	707,038	1,700,810	16,848,800
Bile Duct Damage	#	#	#	#	#
Arterial Damage	#	#	#	#	#
Erb's Palsy	#	#	#	#	#
Lung Disease	#	#	#	#	#
Hernia	#	#	#	#	#
Anaphylact Shock/Allergic Shock/allergy	#	#	#	#	#
Meningitis	#	#	#	#	#
H.I.V.	#	#	#	#	#
Ulcerative Colitis	#	#	#	#	#
Removal Of Cervix	#	#	#	#	#
Dental Damage	#	#	#	#	#
Loss Of Sexual Function	#	#	#	#	#
Malnutrition	#	#	#	#	#
Burn(s)	#	#	#	#	#
Foetal Abnormality	#	#	#	#	#
Developmental Delay	#	#	#	#	#
Bruising/ Extravasation	#	#	#	#	#
Oedema	#	#	#	#	#
Impotence	#	#	#	#	#
Loss Of Lung	#	#	#	#	#
Radiation Exposure	#	#	#	#	#
Labial Fusion	#	#	#	#	#
Osteoporosis	#	#	#	#	#
Sepsis	#	#	#	#	#
Hemiparesis	#	#	#	#	#
Hospital Acquired Infection	#	#	#	#	#
Swine Flu	#	#	#	#	#
Scalp Damage	#	#	#	#	#
Addiction/Dependency	#	#	#	#	#
Vocal Cord Damage	#	#	#	#	#
Spinabifida	#	#	#	#	#
Chromosomal Abnormality	#	#	#	#	#
Grand Total	4,946	777,559,914	79,495,422	317,108,962	1,174,164,297

Table 6: Analysis of Specialities of Successful Claims Closed between financial years 2017/18 - 2020/21 with damages paid (including PPOs) where the Primary Cause is 'Failure/Delay Diagnosis' or 'Wrong Diagnosis'

Closed_Settled	Y
Scheme	(All)
Claim_Outcome_FOI	Damages Paid

Primary Injuries	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Emergency Medicine	1,467	174,580,604	19,590,445	80,960,183	275,131,231
Orthopaedic Surgery	485	60,064,863	7,256,224	29,447,774	96,768,861
General Surgery	361	41,652,238	5,504,673	22,514,823	69,671,734
Radiology	315	34,097,359	3,564,090	13,945,374	51,606,823
Obstetrics	243	68,103,932	4,795,839	20,352,174	93,251,945
Gynaecology	232	25,082,959	3,048,308	12,474,749	40,606,016
General Medicine	197	40,926,882	3,597,463	15,742,547	60,266,891
Paediatrics	158	119,522,298	6,048,466	20,374,899	145,945,662
Gastroenterology	158	13,889,980	2,267,348	8,651,346	24,808,673
Oncology	122	11,066,915	1,350,411	6,425,004	18,842,330
Ophthalmology	115	23,412,070	2,059,335	7,055,876	32,527,280
Urology	109	11,902,036	1,111,801	5,366,714	18,380,551
Histopathology	104	14,896,713	1,946,583	8,119,511	24,962,807
Cardiology	76	9,854,793	1,369,959	4,755,734	15,980,486
Otorhinolaryngology/ ENT	73	11,578,253	1,440,201	5,812,781	18,831,236
Neurology	65	28,099,213	2,266,259	8,275,744	38,641,215
Respiratory Medicine/ Thoracic Medic	63	4,624,508	696,538	2,895,633	8,216,679
Neurosurgery	52	15,891,062	1,902,453	7,229,000	25,022,514
General Practice	42	3,308,277	542,120	2,566,804	6,417,201
Vascular Surgery	41	12,667,019	1,521,178	5,643,131	19,831,328
Surgical Speciality - Other	38	5,205,419	961,393	3,668,626	9,835,439
Haematology	34	5,927,945	731,126	1,883,335	8,542,406
Dermatology	33	1,973,406	333,585	1,807,130	4,114,121
Rheumatology	32	3,062,747	512,557	2,038,196	5,613,501
Psychiatry/ Mental Health	31	1,965,279	439,235	1,557,345	3,961,859
Plastic Surgery	28	1,407,739	191,558	1,199,400	2,798,697
Geriatric Medicine	25	1,650,422	299,173	898,161	2,847,756
Ambulance	22	4,010,076	383,727	1,480,917	5,874,720
Renal Medicine	17	1,177,349	212,675	772,598	2,162,621
Oral & Maxillo Facial Surgery	17	1,968,914	293,438	1,266,770	3,529,122
Chemical Pathology/ Biochemistry	13	1,025,099	204,442	825,515	2,055,056
Physiotherapy	13	3,594,409	295,590	1,353,877	5,243,876
Paediatric Surgery	12	2,130,451	238,381	736,338	3,105,169
Other	12	328,828	189,212	401,449	919,489
Intensive Care Medicine	12	3,754,073	275,547	1,426,741	5,456,360
Genito-Urinary Medicine	11	282,000	73,182	304,552	659,734
Community Medicine/ Public Health	10	588,949	103,988	366,250	1,059,187
Podiatry	10	1,163,324	266,367	944,349	2,374,041
District Nursing	9	439,831	101,018	406,200	947,049
Endocrinology	9	251,333	41,510	382,884	675,726
HM Prison Medical/dental	9	165,225	71,929	246,450	483,605
Cardio Surgery	8	769,780	218,111	504,575	1,492,465
Infectious Diseases	7	535,503	115,761	511,135	1,162,398
Anaesthesia	7	566,500	186,053	683,909	1,436,462
Dentistry	7	75,452	45,385	153,228	274,065
Microbiology/ Virology	7	4,100,900	271,893	790,275	5,163,068
Comm Mental Servs	6	856,999	113,366	368,402	1,338,767
Audiological Medicine	#	#	#	#	#
Not Specified	#	#	#	#	#
Rehabilitation	#	#	#	#	#
Radiotherapy	#	#	#	#	#

Table 6: Analysis of Specialities of Successful Claims Closed between financial years 2017/18 - 2020/21 with damages paid (including PPOs) where the Primary Cause is 'Failure/Delay Diagnosis' or 'Wrong Diagnosis'

Closed_Settled	Y
Scheme	(All)
Claim_Outcome_FOI	Damages Paid

Primary Injuries	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Forensic Pathology	#	#	#	#	#
Non-Clinical Staff	#	#	#	#	#
Speech Therapy	#	#	#	#	#
Genetics	#	#	#	#	#
Miscellaneous	#	#	#	#	#
Palliative Medicine	#	#	#	#	#
Blood Transfusion	#	#	#	#	#
(blank)	#	#	#	#	#
Psychology	#	#	#	#	#
Chiropody	#	#	#	#	#
Grand Total	4,946	777,559,914	79,495,422	317,108,962	1,174,164,297

Table 7: Number of claims which went to Trial between financial years 2017/18 - 2020/21 where the Primary Cause is 'Failure/Delay Diagnosis' or 'Wrong Diagnosis' by Outcome

Closed_Settled Scheme	Y (All)
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Year of Trial	No. of Claims
2017/18	#
Damages Paid	5
NIL Damages	#
2018/19	13
Damages Paid	6
NIL Damages	7
2019/20	6
NIL Damages	6
2020/21	#
NIL Damages	#
Grand Total	28