



# Resolution

8th Floor,  
10 South Colonnade  
Canary Wharf  
London  
E14 4PU  
**Telephone:** 020 7811 2700

November 2023  
FOI\_6259

The following information was requested on 27 October 2023 and clarified on 6 November 2023:

*[On 27 October 2023 you requested]*

*Our team is currently conducting a health economic evaluation of a novel medical device designed for assisted vaginal birth, with the aim of substituting forceps and ventouse.*

*In light of the reports: “Ten Years of Maternity Claims: An Analysis of NHS Litigation Authority Data” and “NHS Resolution: Annual Accounts and Reports 2022/2023”, we are seeking your insights on several points.*

*Specifically, we are interested in data related to negligence claims:*

- 1. How many negligence claims are completed annually following the stillbirth of a child during delivery, and what is the average payout for these cases?*
- 2. How many negligence claims are completed yearly following the death of a mother, and what is the average payout for these cases?*
- 3. How many negligence claims pertain to intrapartum or postpartum haemorrhage, and what is the average payout for these cases?*
- 4. How many annual negligence claims involve child injury leading to cerebral palsy?*

*[On 1 November 2023 we explained]*

*We would also like to explain the data that we can provide in response to your request.*

*Please note that the document titled [Ten-years-of-Maternity-Claims-Final-Report-final-2.pdf \(resolution.nhs.uk\)](#) was produced as part of a separate piece of work which entailed carrying out a deep dive analysis of our claims data. This was a lengthy exercise.*

*We are able to extract data from our Claims database using learning codes. For an explanation about how our claims data is organised please refer to: [Understanding NHS Resolution data - NHS Resolution](#)*

*The document titled understanding NHS Resolution data also has a link to the learning codes available in our Claims Database here: [CNST-Codes.xlsx \(live.com\)](#)*

*These CNST codes allow us to extract certain information relatively easier, without the requirement of manually interrogating individual claims files (which can run into 100s of documents).*

*Whilst we are able to provide the information requested in **Q1 and Q4** of your request, we will not be able to provide the information requested in Q2 and Q3 of the request. To provide the information requested in Q2 and Q3 would require a deep dive which would likely exceed the 18hour time limit set under the FOI rules.*

*Please let us know if you are interested in the information for Q1 and Q4 of your request?*

*Please note your request will be put on hold until we receive the clarification requested above.*

*[On 6 November 2023 you replied with]*

*Thank you for your response. It is indeed very helpful.*

*Apologies for a late reply. I am interested in the financial year 2022-2023. Could you please retrieve the data for this time period?*

## **Our Response**

**NB:** We have recently changed the way we report on our FOIs to align better with our published documents. Streamlining our reporting on FOIs with our annual published reports may mean a variation in snapshot dates. This means this data may not align with previous similar requests and it may not be possible for you to compare this information with a previous request. For further information, please refer to <https://resolution.nhs.uk/resources/understanding-nhs-resolution-data>.

Please find attached the requested information.

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. Claims closed in any given year will often relate to claims received/notified many years prior.

**Table 1 shows:** - Number of Clinical Claims received in financial year 2022/23 where the Specialty is 'Obstetrics' and any Injury is '**Cerebral Palsy**' or '**Brain Damage**'. Please note these claims will often relate to incidents that have occurred many years previously and not all of the claims made will result in a damages payment being made in due course.

**Table 2 shows:** - Number of Clinical Claims Closed in financial year 2022/23 where any Injury is '**Stillborn**' or '**Loss of Baby**'.

**Table 3 shows:** - Number of Clinical Claims Closed (or settled with a periodical payment order) in financial year 2022/23 where the Specialty is 'Obstetrics' and any Injury is '**Cerebral Palsy**' or '**Brain Damage**'.

**Table 4 shows:** - Average Cost of Clinical Claims Closed in financial year 2022/23 where any Injury is '**Stillborn**' or '**Loss of Baby**'.

**Table 5 shows:** - Average Cost of Clinical Claims Closed (or settled with a periodical payment order) in financial year 2022/23 where the Specialty is 'Obstetrics', and any Injury is '**Cerebral Palsy**' or '**Brain Damage**'.

### **PPOs -**

For both claims involving a periodic payment order (PPO) and those that do not, the information disclosed about average damages includes damages paid up to 31 March 2023.

PPOs are an agreement between the parties, to pay an initial lump sum and regular future payments (PPO damages) related to the injured party's ongoing needs, usually care for life i.e., a percentage of the full value of the claim is paid at the point of settlement (lump sum damages) with the balance paid at regular intervals over subsequent years. The information disclosed includes lump sum damages and any PPO damages paid up to the end of the most recent financial year. It does not include PPO damages, which have been committed to, but due to be paid after 31 March 2023.

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/>

## TABLE OF CONTENTS

**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 of Clinical Claims received in financial year 2022/23 where the Specialty is 'Obstetrics' and any Injury is 'Cerebral Palsy' or 'Brain Damage'](#)

[Table 2: Number of Clinical Claims Closed in financial year 2022/23 where any Injury is 'Stillborn' or 'Loss of Baby'](#)

[Table 3: Number of Clinical Claims Closed \(or settled with a periodical payment order\) in financial year 2022/23 where the Specialty is 'Obstetrics' and any Injury is 'Cerebral Palsy' or 'Brain Damage'](#)

[Table 4: Average Damages of Clinical Claims Closed in financial year 2022/23 where the any Injury is 'Stillborn' or 'Loss of Baby'](#)

[Table 5: Average Damages of Clinical Claims Closed or Settled with a periodical payment order in financial year 2022/23 where the Specialty is 'Obstetrics' and any Injury is 'Cerebral Palsy' or 'Brain Damage'](#)

Table 1: Number of Clinical Claims received in financial year 2022/23 where the Specialty is 'Obstetrics' and any Injury is 'Cerebral Palsy' or 'Brain Damage'

---

|              |          |
|--------------|----------|
| FOI View     | Notified |
| CP/BD Latest | Y        |

| Notification Year  | No. of Claims |
|--------------------|---------------|
| 2022/23            | 240           |
| <b>Grand Total</b> | <b>240</b>    |

**Table 2: Number of Clinical Claims Closed in financial year 2022/23 where any Injury is 'Stillborn' or 'Loss of Baby'**

---

|                             |                |
|-----------------------------|----------------|
| FOI View                    | Closed Settled |
| Stillborn/Loss of Baby Flag | Y              |

| <b>Year of Closure --- Claim Outcome</b> | <b>No. of Claims</b> |
|--|----------------------|
| <b>2022/23</b>                           |                      |
| <b>Loss of Baby</b>                      | <b>57</b>            |
| Successful                               | 28                   |
| Unsuccessful                             | 29                   |
| <b>Stillborn</b>                         | <b>121</b>           |
| Successful                               | 88                   |
| Unsuccessful                             | 33                   |
| <b>Grand Total</b>                       | <b>178</b>           |

**Table 3: Number of Clinical Claims Closed (or settled with a periodical payment order) in financial year 2022/23 where the Specialty is 'Obstetrics' and any Injury is 'Cerebral Palsy' or 'Brain Damage'**

---

|              |                |
|--------------|----------------|
| FOI View     | Closed Settled |
| CP/BD Latest | Y              |

| Year of Closure (Settlement Year for PPOs) --- |               |
|--|---------------|
| Claim Outcome                                  | No. of Claims |
| <b>2022/23</b>                                 |               |
| Successful                                     | 132           |
| Unsuccessful                                   | 124           |
| <b>Grand Total</b>                             | <b>256</b>    |

Table 4: Average Damages of Clinical Claims Closed in financial year 2022/23 where the any Injury is 'Stillborn' or 'Loss of Baby'

---

| Year of Closure --- Claim Outcome | Average of Damages Paid |
|-----------------------------------|-------------------------|
| <b>2022/23</b>                    |                         |
| <b>Loss of Baby</b>               | <b>34,772</b>           |
| Successful                        | 70,786                  |
| Unsuccessful                      | 0                       |
| <b>Stillborn</b>                  | <b>68,746</b>           |
| Successful                        | 94,526                  |
| Unsuccessful                      | 0                       |

Table 5: Average Damages of Clinical Claims Closed or Settled with a periodical payment order in financial year 2022/23 where the Specialty is 'Obstetrics' and any Injury is 'Cerebral Palsy' or 'Brain Damage'

---

| CP/BD   | Y                       |
|---|-------------------------|
| Year of Closure (Settlement Year for PPOs) ---<br>Claim Outcome | Average of Damages Paid |
| <b>2022/23</b>  |                         |
| Successful  | 3,579,557               |
| Unsuccessful  | 0                       |