



# Resolution

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February 2024  
FOI\_6392

The following information was requested and clarified on 30 January 2024:

Follow up to – [FOI 6348 Stillbirths Cerebral-Palsy Brain-Damage-v2.pdf \(resolution.nhs.uk\)](#)

*Could I amend the request please, to:*

*2012/13 through to 2022/23 financial year.*

*The exact same request, for both cerebral palsy and still birth, but over that 10 year period please rather than just the two years?*

## 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>.

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 and close. They are not guaranteed to be settled and closed in the same year. As such, there will be a time gap between incident and claim closure.

Due to the way in which data is extracted, it is also possible that the same claim may appear more than once in a dataset, across different year groups e.g. where the case has been closed (as nil damages payment), challenged, reopened and closed again at conclusion.

The data shows variation in numbers of cases closed per year and costs attributed to those claims. This is a reflection of the nature of individual claims received and resolved

by NHS Resolution, which can vary significantly. As such, these fluctuations cannot be interpreted as trends.

Please find attached the requested information.

**Table 1 shows:** - Number and Cost of Clinical Claims Closed between financial years 2012/13 and 2022/23 with a damages payment, where any of the injury is **'Stillbirth'**, broken down by Member with 5 or more claims. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

**Table 2 shows:** - Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2012/13 and 2022/23 with a damages payment, where any of the injury is **'Cerebral Palsy or Brain Damage'**, broken down by Member with 5 or more claims. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

Please note Claims recorded against the Department of Health and Social Care (showing as Department of Health) include liabilities arising from defunct NHS organisations, which transferred to the Secretary of State for Health and Social Care when those organisations were abolished. These also include NHS clinical negligence claims made against current and former GP members of medical defence organisations (currently MDDUS and MPS only) in respect of liabilities incurred before 1 April 2019. These are managed under ELSGP. Please see our website for details ([Existing Liabilities Scheme for General Practice - NHS Resolution](#)).

**Please note:** these tables should not be interpreted as a league table. Larger member organisations and those which provide more complex treatments may receive more claims than smaller organisations or those providing low risk care. Inevitably, different institutions face different levels of risk because of the variations in the nature and complexity of the procedures they perform.

## **PPOs**

The information disclosed includes damages and costs paid up to the end of the settlement year (in Periodical payment order (PPO) cases) and up to the end of the closure year in non-PPO cases.

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, costs and any PPO damages paid up to the end of the year of settlement. It does not include

PPO damages, which have been committed to but due to be paid after the settlement year.

### **Low figures**

We have not provided the information for low figures involved or the names of Trusts with fewer than 5 claims, 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.

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.**

Table 1: Number and Cost of Clinical Claims Closed between financial years '2012/13' and '2022/23' with a damages payment, where the Injury is 'Stillborn' at any level. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

Table 2: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years '2012/13' and '2022/23' with a damages payment, where the Injury is Cerebral Palsy or Brain Damage at any level. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

**Table 1: Number and Cost of Clinical Claims Closed between financial years '2012/13' and '2022/23' with a damages payment, where the Injury is 'Stillborn' at any level. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.**

FOI View	Closed Settled
Clinical	Clinical
Claim_Outcome	Successful
ConcatInjuryAll	(Multiple Items)

Year of Closure --Trust Name	Nr of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
<b>2012/13</b>					
Trusts where the number of claims is <5 (45 in total)	60	2,529,067	186,038	1,843,962	4,559,067
<b>2012/13</b>					
Trusts where the number of claims is <5 (42 in total)	52	1,928,463	222,981	2,062,200	4,213,644
Barking, Havering and Redbridge University Hospitals NHS Trust	5	200,500	39,307	296,098	535,904
<b>2014/15</b>					
Trusts where the number of claims is <5 (45 in total)	65	2,799,571	323,565	2,838,637	5,961,773
<b>2015/16</b>					
Trusts where the number of claims is <5 (52 in total)	66	2,267,062	557,581	3,468,950	6,293,593
<b>2016/17</b>					
Trusts where the number of claims is <5 (59 in total)	83	3,392,511	616,407	4,380,858	8,389,776
<b>2017/18</b>					
Trusts where the number of claims is <5 (57 in total)	85	3,119,541	750,645	4,207,567	8,077,753
King's College Hospital NHS Foundation Trust	5	339,500	42,929	372,797	755,226
<b>2018/19</b>					
Trusts where the number of claims is <5 (75 in total)	112	4,105,032	763,669	5,179,390	10,048,092
<b>2019/20</b>					
Trusts where the number of claims is <5 (68 in total)	112	4,939,691	674,066	4,166,462	9,780,220
Mid and South Essex NHS Foundation Trust	6	257,000	77,577	305,881	640,459
Kettering General Hospital NHS Foundation Trust	5	149,000	18,499	155,875	323,374
<b>2020/21</b>					
Trusts where the number of claims is <5 (58 in total)	86	4,539,211	525,881	3,267,225	8,332,316
<b>2021/22</b>					
Trusts where the number of claims is <5 (63 in total)	103	5,299,759	729,616	4,775,499	10,804,874
<b>2022/23</b>					
Trusts where the number of claims is <5 (56 in total)	83	8,122,249	956,364	4,828,374	13,906,987
Barts Health NHS Trust	5	196,000	19,756	290,550	506,306
<b>Grand Total</b>	<b>933</b>	<b>44,184,158</b>	<b>6,504,881</b>	<b>42,440,325</b>	<b>93,129,363</b>

**Table 2: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years '2012/13' and '2022/23' with a damages payment, where the Injury is Cerebral Palsy or Brain Damage at any level. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.**

FOI View	Closed Settled
Clinical	Clinical
Claim_Outcome	Successful
CP/BD Latest	Y

Year of Closure (Settlement Year for PPOs) --Trust Name	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
<b>2012/13</b>					
Trusts where the number of claims is <5 (106 in total)	179	239,722,760	13,307,453	30,732,352	283,762,565
North West Strategic Health Authority	9	12,554,123	830,311	1,609,600	14,994,034
South Central Strategic Health Authority	7	12,450,860	615,354	1,385,500	14,451,714
Barts Health NHS Trust	7	11,242,092	641,092	1,847,000	13,730,185
Portsmouth Hospitals NHS Trust	7	6,763,208	181,371	901,000	7,845,579
Shrewsbury and Telford Hospital NHS Trust	5	4,504,892	305,274	608,750	5,418,916
Barking, Havering and Redbridge University Hospitals NHS Trust	5	8,922,773	464,592	1,336,002	10,723,368
East Lancashire Hospitals NHS Trust	5	6,064,500	392,628	1,194,750	7,651,878
Royal Berkshire NHS Foundation Trust	5	6,664,407	391,263	988,086	8,043,756
<b>2013/14</b>					
Department of Health	12	22,863,735	1,197,172	2,951,803	27,012,710
DH CL	12	22,863,735	1,197,172	2,951,803	27,012,710
Trusts where the number of claims is <5 (93 in total)	156	242,438,566	11,254,513	26,207,444	279,900,523
St George's Healthcare NHS Trust	6	11,708,447	587,852	1,525,500	13,821,799
Nottingham University Hospitals NHS Trust	5	6,780,700	378,930	1,402,550	8,562,180
Cambridge University Hospitals NHS Foundation Trust	5	11,280,253	451,083	1,315,103	13,046,440
University Hospitals of Leicester NHS Trust	5	5,762,235	507,555	750,789	7,020,579
Wirral University Teaching Hospital NHS Foundation Trust	5	11,759,000	415,091	850,000	13,024,091
Liverpool Women's Hospital NHS Foundation Trust	5	4,908,340	290,196	685,000	5,883,536
King's College Hospital NHS Foundation Trust	5	3,369,500	243,737	570,000	4,183,237
The Leeds Teaching Hospitals NHS Trust	5	12,375,856	641,958	1,517,950	14,535,764
<b>2014/15</b>					
Department of Health	22	42,648,801	2,472,567	5,581,451	50,702,819
DH CL	22	42,648,801	2,472,567	5,581,451	50,702,819
Trusts where the number of claims is <5 (84 in total)	138	177,495,472	11,134,581	21,554,138	210,184,191
The Leeds Teaching Hospitals NHS Trust	6	10,672,972	618,679	1,280,250	12,571,901
Barking, Havering and Redbridge University Hospitals NHS Trust	5	4,462,204	319,096	701,001	5,482,301
Barts Health NHS Trust	5	9,876,000	535,238	1,613,046	12,024,285
King's College Hospital NHS Foundation Trust	5	8,813,614	424,544	616,336	9,854,494
<b>2015/16</b>					
Department of Health	11	14,894,426	978,670	1,973,316	17,846,412
DH CL	11	14,894,426	978,670	1,973,316	17,846,412
Trusts where the number of claims is <5 (88 in total)	155	233,332,904	14,402,048	36,606,264	284,341,216
Central Manchester University Hospitals NHS Foundation Trust	6	7,360,467	662,675	1,535,200	9,558,342
St George's Healthcare NHS Trust	6	6,360,844	410,569	999,875	7,771,288
Walsall Healthcare NHS Trust	5	11,273,308	851,168	2,168,965	14,293,442
<b>2016/17</b>					
Department of Health	15	25,449,938	1,689,346	3,946,035	31,085,319
DH CL	15	25,449,938	1,689,346	3,946,035	31,085,319
Trusts where the number of claims is <5 (108 in total)	189	267,500,859	15,544,615	38,240,512	321,285,986
Imperial College Healthcare NHS Trust	6	4,692,318	368,487	1,200,262	6,261,067
Central Manchester University Hospitals NHS Foundation Trust	5	2,809,857	193,200	887,000	3,890,058
Plymouth Hospitals NHS Trust	5	1,991,695	584,290	1,090,959	3,666,945
Great Western Hospitals NHS Foundation Trust	5	6,305,311	395,407	1,169,810	7,870,528
Barts Health NHS Trust	5	4,658,472	476,066	1,197,414	6,331,952
<b>2017/18</b>					
Department of Health	#	#	#	#	#
DH CL	9	22,877,199	1,040,332	3,525,000	27,442,531
CNST	#	#	#	#	#
Trusts where the number of claims is <5 (104 in total)	187	398,754,999	16,300,527	43,133,307	458,188,833
Manchester University NHS Foundation Trust	7	13,861,911	961,864	2,910,784	17,734,558
Nottingham University Hospitals NHS Trust	7	10,936,464	558,252	1,256,000	12,750,716
King's College Hospital NHS Foundation Trust	6	9,693,149	284,409	1,041,007	11,018,564
The Leeds Teaching Hospitals NHS Trust	6	16,518,251	388,685	1,334,000	18,240,936
Imperial College Healthcare NHS Trust	6	15,674,511	605,925	2,414,576	18,695,012
Mid Yorkshire Hospitals NHS Trust (The)	6	16,747,514	631,073	2,365,175	19,743,763
Pennine Acute Hospitals NHS Trust (The)	5	5,927,492	212,436	611,910	6,751,838
Oxford University Hospitals NHS Foundation Trust	5	7,353,057	419,791	946,500	8,719,348
<b>2018/19</b>					
Department of Health	14	36,596,557	1,786,634	3,659,888	42,043,079
DH CL	14	36,596,557	1,786,634	3,659,888	42,043,079
Trusts where the number of claims is <5 (108 in total)	186	485,343,815	18,856,259	47,010,567	551,210,642
Barts Health NHS Trust	10	44,220,925	1,152,949	3,226,675	48,600,548
Newcastle Upon Tyne Hospitals NHS Foundation Trust (The)	7	15,321,204	367,074	964,187	16,652,466
Wirral University Teaching Hospital NHS Foundation Trust	6	14,644,330	540,749	1,122,120	16,307,199
Nottingham University Hospitals NHS Trust	6	23,775,356	1,127,138	1,809,139	26,711,633
University Hospitals of Leicester NHS Trust	5	8,299,904	445,291	1,030,965	9,776,160
Bolton Hospitals NHS Foundation Trust	5	14,889,092	473,714	1,865,725	17,228,532
Barking, Havering and Redbridge University Hospitals NHS Trust	5	17,821,200	713,915	1,746,600	20,281,716
King's College Hospital NHS Foundation Trust	5	16,668,938	666,972	1,964,000	19,299,910
<b>2019/20</b>					
Trusts where the number of claims is <5 (102 in total)	189	477,692,212	17,897,962	50,281,302	545,871,476
Nottingham University Hospitals NHS Trust	8	10,776,978	744,416	1,197,802	12,719,196
Barts Health NHS Trust	7	4,193,966	276,568	1,112,958	5,583,491
University Hospitals of Leicester NHS Trust	6	8,409,679	630,931	1,293,440	10,334,050
Lewisham & Greenwich NHS Trust	6	18,685,032	459,987	1,406,333	20,551,353
Frimley Health NHS Foundation Trust	5	4,064,025	214,965	804,000	5,082,990
University Hospitals of Derby and Burton NHS Foundation Trust	5	14,024,216	828,327	1,525,000	16,377,543
South Tees Hospitals NHS Foundation Trust	5	3,567,942	272,009	445,500	4,285,451
Newcastle Upon Tyne Hospitals NHS Foundation Trust (The)	5	5,511,561	220,230	577,262	6,309,052
<b>2020/21</b>					
Trusts where the number of claims is <5 (95 in total)	177	417,890,140	16,500,020	44,348,130	478,738,290
Mid and South Essex NHS Foundation Trust	8	25,593,771	671,158	1,610,229	27,875,158
Pennine Acute Hospitals NHS Trust (The)	7	14,623,156	813,831	1,554,200	16,991,187
University Hospitals of Derby and Burton NHS Foundation Trust	7	3,397,469	478,056	780,250	4,655,774
University College London Hospitals NHS Foundation Trust	6	3,336,812	397,916	1,112,000	4,846,728
Lewisham & Greenwich NHS Trust	5	16,748,345	536,152	1,927,630	19,212,126
Barts Health NHS Trust	5	11,730,612	278,861	1,137,750	13,147,223
Guy's and St Thomas' NHS Foundation Trust	5	8,215,750	509,901	1,614,450	10,340,101
<b>2021/22</b>					
Department of Health	#	#	#	#	#
DH CL	#	#	#	#	#
ELSGP	13	9,468,035	414,117	1,874,999	11,757,150
Trusts where the number of claims is <5 (99 in total)	175	370,185,234	14,851,652	44,928,061	429,964,947

**Table 2: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years '2012/13' and '2022/23' with a damages payment, where the Injury is Cerebral Palsy or Brain Damage at any level. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.**

London North West University Healthcare NHS Trust	8	21,483,175	767,066	4,149,258	26,399,499
University Hospitals Birmingham NHS Foundation Trust	7	15,668,391	616,310	1,904,707	18,189,408
Barts Health NHS Trust	6	16,990,010	633,023	2,384,000	20,007,033
Northern Care Alliance NHS Foundation Trust	6	8,358,595	377,944	1,190,468	9,927,007
King's College Hospital NHS Foundation Trust	6	8,258,773	480,542	1,503,350	10,242,665
Imperial College Healthcare NHS Trust	6	18,427,132	674,515	2,363,500	21,465,147
Oxford University Hospitals NHS Foundation Trust	6	9,658,147	337,649	1,027,000	11,022,796
Surrey and Sussex Healthcare NHS Trust	5	10,299,853	247,869	1,059,000	11,606,722
University Hospitals of Leicester NHS Trust	5	13,222,076	419,052	890,000	14,531,128
Birmingham Women's and Children's NHS Foundation Trust	5	11,175,279	327,576	924,000	12,426,855
<b>2022/23</b>					
Department of Health	14	28,252,148	1,085,798	4,024,937	33,362,883
DH CL	7	26,593,000	891,026	3,236,537	30,720,563
ELSGP	7	1,659,148	194,772	788,400	2,642,320
Trusts where the number of claims is <5 (102 in total)	212	432,904,844	18,951,836	55,717,034	507,573,715
Barts Health NHS Trust	9	29,735,642	1,373,790	3,491,000	34,600,432
University Hospitals Sussex NHS Foundation Trust	8	25,472,114	1,036,986	3,321,429	29,830,529
Sheffield Teaching Hospitals NHS Foundation Trust	7	21,027,416	648,008	1,639,436	23,314,860
University Hospitals Birmingham NHS Foundation Trust	7	14,959,665	563,030	1,321,825	16,844,520
Barking, Havering and Redbridge University Hospitals NHS Trust	6	30,508,108	901,922	2,723,855	34,133,884
University Hospitals Coventry & Warwickshire NHS Trust	6	14,250,324	567,445	1,838,000	16,655,769
Mid and South Essex NHS Foundation Trust	6	30,764,569	1,156,377	3,371,500	35,292,446
Hampshire Hospitals NHS Foundation Trust	5	18,381,328	541,275	1,674,000	20,596,603
University Hospital Southampton NHS Foundation Trust	5	9,401,375	351,284	1,089,200	10,841,859
Mid Yorkshire Hospitals NHS Trust (The)	5	15,918,987	622,030	1,665,603	18,206,619
<b>Grand Total</b>	<b>2,522</b>	<b>4,920,743,968</b>	<b>222,782,729</b>	<b>584,178,538</b>	<b>5,727,705,235</b>