



# Resolution

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May 2025

FOI\_7109

The following information was requested on 19 March 2025:

*Q1: Please can you confirm the number of clinical claims received, where the fatality is stillbirth, for the following calendar years\*.*

*\*Years information required for:*

2024 - 2023 - 2022 - 2021 - 2020 - 2019 - 2018 - 2017 - 2016 - 2015 - 2014 - 2013 - 2012 - 2011 - 2010

*Q2: Please can you confirm the number of clinical claims received, where the fatality is neonatal death (neonatal under 28 days), for the following calendar years\*.*

*\*Years information required for:*

2024 - 2023 - 2022 - 2021 - 2020 - 2019 - 2018 - 2017 - 2016 - 2015 - 2014 - 2013 - 2012 - 2011 - 2010

*Q3: Please can you provide the number and cost of clinical claims closed with a damages payment, where the fatality is stillbirth, for the following calendar years\*. Please can you include the number of claims, the damages paid, the NHS legal costs paid, the claimant costs paid and the total paid.*

*\*Years information required for:*

2024 - 2023 - 2022 - 2021 - 2020 - 2019 - 2018 - 2017 - 2016 - 2015 - 2014 - 2013 - 2012 - 2011 - 2010

*Q4: Please can you confirm the average length of time it took to close a clinical claim with a damages payment, where the fatality is stillbirth, for the following calendar years\*. Can the average length of time be calculated based on the period between when a claim was first lodged with NHS Resolution and the date the claim was closed.*

*\*Years information required for:*

2024 - 2023 - 2022 - 2021 - 2020 - 2019 - 2018 - 2017 - 2016 - 2015 - 2014 - 2013 - 2012 - 2011 - 2010

*Q5: Please can you provide the number and cost of clinical claims closed with a damages payment, where the injury is neonatal death (neonatal under 28 days), for the following calendar years\*. Please can you include the number of claims, the damages paid, the NHS legal costs paid, the claimant costs paid and the total paid.*

*\*Years information required for:*

2024 - 2023 - 2022 - 2021 - 2020 - 2019 - 2018 - 2017 - 2016 - 2015 - 2014 - 2013 - 2012 - 2011 - 2010

*Q6: Please can you confirm the average length of time it took to close a claim with a damages payment, where the fatality is neonatal death (neonatal under 28 days), for the following*

*calendar years\*. Can the average length of time be calculated based on the period between when a claim was first lodged with NHS Resolution and the date the claim was closed.*

*\*Years information required for:*

*2024 - 2023 - 2022 - 2021 - 2020 - 2019 - 2018 - 2017 - 2016 - 2015 - 2014 - 2013 - 2012 - 2011 - 2010*

## **Our Response**

**Please note:** 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>.

For this request we have used our Supplementary Annual Statistics (SAS) dataset to ensure the data represents the most up to date information. For further information about our SAS dataset please see: [Annual statistics \(including Factsheet 5\) - NHS Resolution](#). Therefore, our response to these parts of this request may not align with other publications on our website, or with other data contained within the other tables.

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.

The data shows variation in numbers of cases received, 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.

In some circumstances, volumes of reported cases may be impacted by multiple claims notified to one cause of action.

We have provided data on clinical cases only. For information about the different types of schemes we manage, please visit our website here: [Claims Management - NHS Resolution](#).

Please find attached the following information we can provide:

**Table 1 shows:** - Number of Clinical Claims and Incidents received between financial years '2010/11' and '2023/24' where any injury is '**Stillborn**'.

**Table 2 shows:** - Number of Clinical Claims and Incidents received between financial years '2010/11' and '2023/24' where any injury is '**Fatality for the baby within 28 days of birth (based on age at incident date)**'.

**Table 3 shows:** - Number and Cost of Clinical Claims Closed between financial years 2010/11 and 2023/24 with a damages payment, where any injury is '**Stillborn**'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

**Table 4 shows:** - Number and Cost of Clinical Claims Closed between financial years 2010/11 and 2023/24 with a damages payment, where any injury is '**Fatality for the baby within 28 days of birth (based on age at incident date)**'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

In response to Q4 and Q6 of your request, namely:

*Q4: Please can you confirm the average length of time it took to close a clinical claim with a damages payment, where the fatality is stillbirth, for the following calendar years\*. Can the average length of time be calculated based on the period between when a claim was first lodged with NHS Resolution and the date the claim was closed.*

*\*Years information required for:*

*2024 - 2023 - 2022 - 2021 - 2020 - 2019 - 2018 - 2017 - 2016 - 2015 - 2014 - 2013 - 2012 - 2011 - 2010*

*Q6: Please can you confirm the average length of time it took to close a claim with a damages payment, where the fatality is neonatal death (neonatal under 28 days), for the following calendar years\*. Can the average length of time be calculated based on the period between when a claim was first lodged with NHS Resolution and the date the claim was closed.*

*\*Years information required for:*

*2024 - 2023 - 2022 - 2021 - 2020 - 2019 - 2018 - 2017 - 2016 - 2015 - 2014 - 2013 - 2012 - 2011 - 2010*

#### Section 43(2) FOIA (commercial interests)

The requested information contains details which if disclosed, disclosure would be likely to harm the commercial interests of NHSR. This is particularly the case in respect of the commercially sensitive information which if disclosed would allow claimants and claimant solicitors to derive how claims patterns operate and putting together with other publicly available information, they could derive their own profile of claims success/pattern of lags and average settlements. This would prejudice NHSR's ability to manage and settle claims effectively.

#### *Public Interest Test*

The exemption in s. 43(2) of FOIA is subject to a public interest test, meaning that NHSR must balance the public interest in disclosing the information against the public

interest in maintaining the exemptions. There is a general public interest in openness and transparency in public sector bodies which can help to maintain public trust.

Having considered the public interest, our decision is to withhold the information. This is because while there is a public interest in understanding liabilities which may arise in NHS care and in understanding how NHSR spends taxpayer funds, and there is a presumption in favour of disclosure, there is nevertheless a strong interest in ensuring NHSR can manage and spend those funds effectively.

In this instance, NHSR has carefully deliberated and taken into account factors including transparency and public accountability. It has balanced these against the possibility of harming NHSR's economic and commercial interests. Having carefully considered and balanced these arguments, NHSR has reached the conclusion that the public interest balances fall in favour of the exemption cited, and consequently the information has been withheld.

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 several [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.

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 [Joanne Appleby](#), Deputy 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 of Clinical Claims and Incidents received between financial years '2010/11' and '2023/24' where any injury is 'Stillborn'.

Table 2: Number of Clinical Claims and Incidents received between financial years '2010/11' and '2023/24' where any injury is 'Fatality' for the baby within 28 days of birth (based on age at incident date).

Table 3: Number and Cost of Clinical Claims Closed between financial years 2010/11 and 2023/24 with a damages payment, where any injury is 'Stillborn'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

Table 4: Number and Cost of Clinical Claims Closed between financial years 2010/11 and 2023/24 with a damages payment, where any injury is 'Fatality' for the baby within 28 days of birth (based on age at incident date). The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

**Table 1: Number of Clinical Claims and Incidents received between financial years '2010/11' and '2023/24' where any injury is 'Stillborn'.**

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Stillborn Flag	Y
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Year of Notification	No. of Claims
2010/11	78
2011/12	91
2012/13	103
2013/14	95
2014/15	114
2015/16	141
2016/17	137
2017/18	126
2018/19	128
2019/20	129
2020/21	135
2021/22	121
2022/23	165
2023/24	200
<b>Grand Total</b>	<b>1,763</b>

**Table 2: Number of Clinical Claims and Incidents received between financial years '2010/11' and '2023/24' where any injury is 'Fatality' for the baby within 28 days of birth (based on age at incident date).**

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Neonatal Flag	Neonatal
Fatality Flag	Y

  

Year of Notification	No. of Claims
2010/11	55
2011/12	47
2012/13	67
2013/14	88
2014/15	90
2015/16	74
2016/17	88
2017/18	97
2018/19	87
2019/20	83
2020/21	86
2021/22	104
2022/23	97
2023/24	89
<b>Grand Total</b>	<b>1,152</b>

**Table 3: Number and Cost of Clinical Claims Closed between financial years 2010/11 and 2023/24 with a damages payment, where any injury is 'Stillborn'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.**

Stillborn Flag	Y
ClaimOutcome	Damages Paid

Year of Closure	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2010/11	53	2,400,951	318,148	1,892,161	4,611,259
2011/12	64	2,180,790	262,751	2,044,385	4,487,926
2012/13	56	2,377,067	177,286	1,749,112	4,303,465
2013/14	57	2,128,963	264,770	2,358,298	4,752,031
2014/15	64	2,609,571	303,890	2,678,637	5,592,098
2015/16	66	2,267,062	558,577	3,468,950	6,294,589
2016/17	78	3,227,080	599,047	4,076,688	7,902,815
2017/18	84	3,105,443	550,261	3,491,834	7,147,538
2018/19	107	3,962,434	679,889	4,789,755	9,432,077
2019/20	118	5,066,191	640,713	4,148,543	9,855,447
2020/21	85	4,537,611	548,631	3,208,225	8,294,467
2021/22	103	5,301,759	764,159	4,861,722	10,927,641
2022/23	87	8,268,249	904,683	5,078,924	14,251,856
2023/24	80	4,498,320	660,773	3,510,047	8,669,140
<b>Grand Total</b>	<b>1,102</b>	<b>51,931,491</b>	<b>7,233,576</b>	<b>47,357,280</b>	<b>106,522,348</b>

**Table 4: Number and Cost of Clinical Claims Closed between financial years 2010/11 and 2023/24 with a damages payment, where any injury is 'Fatality' for the baby within 28 days of birth (based on age at incident date). The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.**

Neonatal Flag	Neonatal
Fatality Flag	Y
ClaimOutcome	Damages Paid

Year of Closure	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2010/11	43	2,578,375	458,555	2,230,453	5,267,383
2011/12	43	3,169,125	131,605	1,490,395	4,791,124
2012/13	31	1,519,329	168,112	1,279,592	2,967,032
2013/14	35	1,996,013	188,381	1,468,164	3,652,558
2014/15	49	2,701,233	322,446	3,004,795	6,028,474
2015/16	46	1,992,553	463,817	3,160,847	5,617,216
2016/17	50	2,288,087	459,682	2,535,175	5,282,944
2017/18	55	3,020,736	649,760	3,394,767	7,065,263
2018/19	45	1,889,935	505,194	2,194,370	4,589,498
2019/20	55	3,321,219	753,050	3,291,614	7,365,883
2020/21	57	3,693,180	717,888	3,194,082	7,605,151
2021/22	62	5,450,214	1,265,293	4,801,540	11,517,047
2022/23	63	4,874,364	847,442	3,301,029	9,022,835
2023/24	44	3,042,426	552,522	2,524,588	6,119,537
<b>Grand Total</b>	<b>678</b>	<b>41,536,789</b>	<b>7,483,746</b>	<b>37,871,411</b>	<b>86,891,946</b>