



Resolution

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September 2023

FOI_6133

The following information was requested on 21 August 2023:

Please can you provide figures paid/out claimed for neo-natal baby deaths and injuries at the Countess of Chester NHS Foundation Trust for each year to present since 2015.

I am interested in sums paid out to families who were victims of Lucy Letby. However, if it is not possible or legally compliant to answer this part of the request, please provide the general information requested above, providing figures for all cases.

Our Response

In response to your request for: *neo-natal baby deaths and injuries at the Countess of Chester NHS Foundation Trust for each year to present since 2015:*

We have carried out the following search in our Claims database: we have searched for claims at the Countess of Chester NHS Foundation Trust from 2014/15 to 2022/23 with the primary speciality 'Neonatology' and using this search criteria there are **no** claims.

In terms of your specific request for: *I am interested in sums paid out to families who were victims of Lucy Letby:*

It might be helpful to explain that when claims are notified to NHS Resolution they are categorised against pre-defined cause, injury and speciality [codes](#). Lucy Letby is not a standard code in our system, and we are reliant on additional data capture to capture those cases where Lucy Letby is involved. We can apply this separate coding at any time during a claim lifecycle.

We have recently introduced a new code to capture those claims where Lucy Letby was involved. As it is a new code there are less than 5 claims for previous complete financial years. We have received claims for the financial year 2023/24, however, as we report in complete financial years, this information is currently unavailable as it will be incomplete. This information will be available on request from May 2024.

Therefore, we endeavour to provide the information as it is stored in our Claims Management System at the time of the request, but this may alter in subsequent requests of the same nature.

Our claims database was designed primarily as a claims management tool rather than for research purposes and is a dynamic system which means reporting is not always straightforward.

We are able to provide you with the number of claims received for Countess of Chester NHS Foundation Trust where the incident occurred on or before 28 days of age of the patient. Please note that these cases will not relate specifically to Lucy Letby.

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.

Please find attached the following information we can provide:

Table 1 shows: - Number of Clinical Claims received by the Countess of Chester Hospital NHS Foundation Trust between financial years 2014/15 and 2022/23 where the incident occurred on or before 28 days of age.

Table 2 shows: - Number and Cost of Clinical Claims Closed/Settled as a PPO by the Countess of Chester Hospital NHS Foundation Trust between financial years 2014/15 and 2022/23 with damages paid (including PPOs paid to date) where the incident occurred on or before 28 days of age.

Table 3 shows: - Number and Cost of Clinical Claims Closed by the Countess of Chester Hospital NHS Foundation Trust between financial years 2014/15 and 2022/23 with NIL damages paid where the incident occurred on or before 28 days of age.

PPOs

The information disclosed includes damages paid out at the end of the relevant financial period under Periodical payment orders (PPO) previously agreed on cases, which may have been resolved several years ago. It does not include sums, which have been committed on settlements in the relevant period under a PPO, which may not be paid out until future years. 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 i.e., a percentage of the full value of the claim is paid at the point of settlement with the balance paid at regular intervals over subsequent years.

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 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 received by the Countess of Chester Hospital NHS Foundation Trust between financial years 2014/15 and 2022/23 where the incident occurred on or before 28 days of age.

Table 2: Number and Cost of Clinical Claims Closed/Settled as a PPO by the Countess of Chester Hospital NHS Foundation Trust between financial years 2014/15 and 2022/23 with damages paid (including PPOs paid to date) where the incident occurred on or before 28 days of age.

Table 3: Number and Cost of Clinical Claims Closed by the Countess of Chester Hospital NHS Foundation Trust between financial years 2014/15 and 2022/23 with NIL damages paid where the incident occurred on or before 28 days of age.

Table 1: Number of Clinical Claims received by the Countess of Chester Hospital NHS Foundation Trust between financial years 2014/15 and 2022/23 where the incident occurred on or before 28 days of age.

FOI View	Notified
Clinical	Clinical

Primary Speciality	No. of Claims
Obstetrics	17

Table 2: Number and Cost of Clinical Claims Closed/Settled as a PPO by the Countess of Chester Hospital NHS Foundation Trust between financial years 2014/15 and 2022/23 with damages paid (including PPOs paid to date) where the incident occurred on or before 28 days of age.

FOI View	Closed Settled
Clinical	Clinical
Claim_Outcome	Successful

Primary Speciality	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Obstetrics	11	19,217,196	721,992	1,885,084	21,824,272

Table 3: Number and Cost of Clinical Claims Closed by the Countess of Chester Hospital NHS Foundation Trust between financial years 2014/15 and 2022/23 with NIL damages paid where the incident occurred on or before 28 days of age.

FOI View	Closed Settled
Clinical	Clinical
Claim_Outcome	Unsuccessful

Primary Speciality	No. of Claims	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Obstetrics	6	90,240	0	90,240