



Resolution

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October 2023
FOI_6169

The following information was requested on 15 September 2023:

Maternity, obstetrics and anaesthetic claims data for Maidstone and Tunbridge Wells NHS Trust, broken down by cause and injury.

From January 2010

Our Response

Please find attached the requested information. We are able to provide information in financial years.

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>.

We have provided data on clinical cases only.

Table 1 shows: - Number of Clinical Claims and Incidents received/notified for **Maidstone and Tunbridge Wells NHS Trust** between the financial years 2010/11 and 2022/23, where the speciality is 'Obstetrics' or 'Anaesthesia' claims.

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.

Table 2 shows: - Number and Cost of Clinical Claims Closed (or settled as a PPO) for **Maidstone and Tunbridge Wells NHS Trust** between financial years 2010/11 and 2022/23 with a damages payment where the speciality is 'Obstetrics' or 'Anaesthesia'

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.

Table 3 shows: - Number of Clinical Claims and incidents closed for **Maidstone and Tunbridge Wells NHS Trust** between the financial years 2010/11 and 2022/23, with **NIL** damages where the specialty is 'Obstetrics' or 'Anaesthesia'.

Table 4 shows: - Number and Cost of Clinical Claims Closed (or settled as a PPO) for **Maidstone and Tunbridge Wells NHS Trust** between financial years 2010/11 and 2022/23 with a damages payment where the specialty is 'Obstetrics' or 'Anaesthesia' broken down by primary **cause**. 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 5 shows: - Number and Cost of Clinical Claims Closed (or settled as a PPO) for **Maidstone and Tunbridge Wells NHS Trust** between financial years 2010/11 and 2022/23 with a damages payment where the specialty is 'Obstetrics' or 'Anaesthesia' broken down by primary **injury**. 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.

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 Numbers

Please note 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 Freedom of Information 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.

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.

Table 1: Number of Clinical Claims and Incidents received/notified for Maidstone and Tunbridge Wells NHS Trust between the financial years 2010/11 and 2022/23, where the speciality is 'Obstetrics' or 'Anaesthesia' claims.

Table 2: Number and Cost of Clinical Claims Closed (or settled as a PPO) for Maidstone and Tunbridge Wells NHS Trust between financial years 2010/11 and 2022/23 (including PPOs paid to date), with damages paid, where the speciality is 'Obstetrics' or 'Anaesthesia' claims.

Table 3: Number of Clinical Claims and incidents Closed for Maidstone and Tunbridge Wells NHS Trust between the financial years 2010/11 and 2022/23, with NIL damages where the specialty is 'Obstetrics' or 'Anaesthesia'.

Table 4: Number and Cost of Clinical Claims Closed (or settled as a PPO) for Maidstone and Tunbridge Wells NHS Trust between financial years 2010/11 and 2022/23 with damages paid (including PPOs paid to date) where the specialty is 'Obstetrics' or 'Anaesthesia' broken down by primary cause.

Table 5: Number and Cost of Clinical Claims Closed (or settled as a PPO) for Maidstone and Tunbridge Wells NHS Trust between financial years 2010/11 and 2022/23 with damages paid (including PPOs paid to date) where the specialty is 'Obstetrics' or 'Anaesthesia' broken down by primary injury.

Table 1: Number of Clinical Claims and Incidents received/notified for **Maidstone and Tunbridge Wells NHS Trust** between the financial years 2010/11 and 2022/23, where the speciality is 'Obstetrics' or 'Anaesthesia' claims.

scheme FOI View	CNST Notified
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Year of Notification	No. of Claims
Anaesthesia	
2012/13	#
2013/14	#
2016/17	#
2017/18	#
2019/20	#
2021/22	#
Obstetrics	
2010/11	9
2011/12	9
2012/13	7
2013/14	7
2014/15	12
2015/16	6
2016/17	5
2017/18	8
2018/19	11
2019/20	10
2020/21	6
2021/22	12
2022/23	12

Table 2: Number and Cost of Clinical Claims Closed (or settled as a PPO) for **Maidstone and Tunbridge Wells NHS Trust** between financial years 2010/11 and 2022/23 (including PPOs paid to date), with damages paid, where the speciality is 'Obstetrics' or 'Anaesthesia' claims.

scheme	CNST
FOI View	Closed Settled
Claim_Outcome	Successful

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	Claimant Legal Costs Paid	NHS Legal Costs Paid	Total Paid
Anaesthesia					
2015/16	#	#	#	#	#
2016/17	#	#	#	#	#
2019/20	#	#	#	#	#
2022/23	#	#	#	#	#
Obstetrics					
2010/11	8	335,200	283,239	136,225	754,664
2011/12	#	#	#	#	#
2012/13	9	5,915,613	1,467,610	432,226	7,815,448
2013/14	5	3,080,000	351,000	174,895	3,605,895
2014/15	5	2,235,889	390,932	154,940	2,781,760
2015/16	#	#	#	#	#
2016/17	8	8,183,066	1,201,625	488,053	9,872,744
2017/18	#	#	#	#	#
2018/19	#	#	#	#	#
2019/20	#	#	#	#	#
2020/21	5	4,732,875	209,029	182,011	5,123,916
2021/22	9	11,847,492	1,011,875	461,707	13,321,074
2022/23	5	3,143,178	773,500	215,009	4,131,687

Table 3: Number of Clinical Claims and Incidents closed for **Maidstone and Tunbridge Wells NHS Trust** between the financial years 2010/11 and 2022/23, with NIL damages where the specialty is 'Obstetrics' or 'Anaesthesia'.

scheme	CNST
FOI View	Closed Settled
Claim_Outcome	Unsuccessful

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	Claimant Legal Costs Paid	NHS Legal Costs Paid	Total Paid
Anaesthesia					
2019/20	#	#	#	#	#
Obstetrics					
2010/11	#	#	#	#	#
2013/14	#	#	#	#	#
2014/15	#	#	#	#	#
2015/16	6	0	0	17,301	17,301
2016/17	#	#	#	#	#
2017/18	#	#	#	#	#
2018/19	5	0	0	11,785	11,785
2019/20	#	#	#	#	#
2021/22	#	#	#	#	#
2022/23	6	0	0	85,855	85,855

Table 4: Number and Cost of Clinical Claims Closed (or settled as a PPO) for **Maidstone and Tunbridge Wells NHS Trust** between financial years 2010/11 and 2022/23 with damages paid (including PPOs paid to date) where the specialty is 'Obstetrics' or 'Anaesthesia' broken down by primary cause.

scheme	CNST
FOI View	Closed Settled
Claim_Outcome	Successful

Primary Cause	No. of Claims	Damages Paid	Claimant Legal Costs Paid	NHS Legal Costs Paid	Total Paid
Anaesthesia					
Fail To Recog. Complication Of	#	#	#	#	#
Fail To Warn-Informed Consent	#	#	#	#	#
Lack Of Assistance/Care	#	#	#	#	#
Operator Error	#	#	#	#	#
Obstetrics					
Delay In Performing Operation	#	#	#	#	#
Equipment Malfunction	#	#	#	#	#
Fail / Delay Treatment	8	9,426,725	970,050	449,170	10,845,945
Fail Mon Dose/rate Syntocinon	#	#	#	#	#
Fail To Act On Abnorm Test Res	#	#	#	#	#
Fail To Carry Out PO Observs.	#	#	#	#	#
Fail To Correctly Apply Forcep	#	#	#	#	#
Fail To Diag Pre-Eclampsia	#	#	#	#	#
Fail To Make Resp To Abnorm FHR	5	8,471,506	854,000	495,605	9,821,110
Fail To Monitor 1st Stg Labour	#	#	#	#	#
Fail To Monitor 2nd Stg Labour	#	#	#	#	#
Fail To Recog. Complication Of	7	6,428,415	1,281,789	350,001	8,060,206
Fail/Delay Referring To Hosp.	#	#	#	#	#
Failure To Perform Operation	#	#	#	#	#
Failure/Delay Diagnosis	9	156,500	239,575	21,929	418,004
Forceps Delivery	#	#	#	#	#
Foreign Body Left In Situ	#	#	#	#	#
Inadequate Nursing Care	#	#	#	#	#
Inapp Use Of Forceps/Ventouse	#	#	#	#	#
Inappropriate Treatment	#	#	#	#	#
Infusion Problems	#	#	#	#	#
Intra-Op Problems	#	#	#	#	#
Labial Tear	#	#	#	#	#
Lack Of Pre-Op Evaluation	#	#	#	#	#
Operator Error	#	#	#	#	#
Perform. Of Op. Not Indicated	#	#	#	#	#
Perineal Tear-1st,2nd,3rd Deg	#	#	#	#	#
Retained Instrument Post-Operation (Never Event)	#	#	#	#	#
Unexpected Death	#	#	#	#	#

Table 5: Number and Cost of Clinical Claims Closed (or settled as a PPO) for **Maidstone and Tunbridge Wells NHS Trust** between financial years 2010/11 and 2022/23 with damages paid (including PPOs paid to date) where the specialty is 'Obstetrics' or 'Anaesthesia' broken down by primary injury.

scheme	CNST
FOI View	Closed Settled
Claim_Outcome	Successful

Primary Injury	No. of Claims	Damages Paid	Claimant Legal Costs Paid	NHS Legal Costs Paid	Total Paid
Anaesthesia					
Deafness	#	#	#	#	#
Partial Paralysis	#	#	#	#	#
Psychiatric/Psychological Dmge	#	#	#	#	#
Stroke	#	#	#	#	#
Obstetrics					
Adtnl/unnecessary Operation(s)	6	117,700	104,450	10,222	232,372
Advanced Stage Cancer	#	#	#	#	#
Bladder Damage	#	#	#	#	#
Bowel Damage/ Dysfunction	5	1,161,679	638,000	174,212	1,973,891
Brain Damage	#	#	#	#	#
Burn(s)	#	#	#	#	#
Cardiac Arrest	#	#	#	#	#
Cerebral Palsy	15	40,297,110	4,377,610	1,994,348	46,669,069
Erb's Palsy	#	#	#	#	#
Fatality	8	2,509,000	1,269,932	129,318	3,908,249
Fistula	#	#	#	#	#
Incontinence	#	#	#	#	#
Infertility	#	#	#	#	#
Loss Of Baby	#	#	#	#	#
Multiple Injuries	#	#	#	#	#
Other	#	#	#	#	#
Pressure Sores	#	#	#	#	#
Psychiatric/Psychological Dmge	5	240,500	239,750	46,232	526,482
Removal Of Fallopian Tube	#	#	#	#	#
Rupture	#	#	#	#	#
Scarring	#	#	#	#	#
Stillborn	#	#	#	#	#
Tissue Damage	#	#	#	#	#
Unnecessary Pain	6	69,500	174,039	19,483	263,022