



Resolution

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

December 2023
FOI_6312

The following information was requested on 5 December 2023:

Earlier this year you responded to an FOI request on legal payouts at Nottingham University Hospitals relating to obstetrics:

https://resolution.nhs.uk/wp-content/uploads/2022/06/FOI_5402_Nottingham-University-Hospitals-Maternity-Claims.pdf

Please would you be able to update this request for me adding the data for 2021/22 to the tables?

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>.

We also wish to draw your attention to some significant differences between the previous response that you received and the attached report.

The previous response will have also included open claims which can be subject to change. Therefore, we have removed these claims from the attached report.

To provide you with comparative data we have re-run the search for these claims to cover the financial years **2006/07 - 2022/23** using our current method of reporting.

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.

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 with nil damages paid), challenged, reopened and closed again at conclusion.

Please also note that the data shows variation in the number of claims received, and the numbers closed with damages and costs paid. This is a reflection of the nature of individual claims received by NHS Resolution, which can vary significantly. As such, year on year fluctuations cannot necessarily be interpreted as trends.

Table 1 shows: - Number of Clinical Claims and/or Incidents received between financial years 2006/07 and 2022/23 for Nottingham University Hospital NHS Trust, where the Specialty is '**Obstetrics**'.

Table 2 shows: - Number and Cost of Clinical Claims Closed with a damages payment (or settled with a periodical payment order) between financial years 2006/07 and 2022/23 for Nottingham University Hospital NHS Trust, where the Specialty is '**Obstetrics**'. Breakdown by year. 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 and Cost of Clinical Claims Closed with a **NIL** damages payment between financial years 2006/07 and 2022/23 for Nottingham University Hospital NHS Trust, where the Specialty is '**Obstetrics**'. Breakdown by year. The data includes the legal costs paid up until the end of each relevant financial year of closure.

Table 4 shows: - Number and Cost of Clinical Claims Closed with a damages payment (or settled with a periodical payment order) between financial years 2006/07 and 2022/23 for Nottingham University Hospital NHS Trust, where the Specialty is '**Obstetrics**'. Breakdown 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 with a damages payment (or settled with a periodical payment order) between financial years 2006/07 and 2022/23 for Nottingham University Hospital NHS Trust, where the Specialty is '**Obstetrics**'. Breakdown 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 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

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 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/>

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 and/or Incidents received between financial years 2006/07 and 2022/23 for Nottingham University Hospital NHS Trust, where the Specialty is 'Obstetrics'.

Table 2: Number and Cost of Clinical Claims Closed with a damages payment or Settled with a periodical payment order between financial years 2006/07 and 2022/23 for Nottingham University Hospital NHS Trust, where the Specialty is 'Obstetrics'. Breakdown by year. 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: Number and Cost of Clinical Claims Closed with a NIL damages payment between financial years 2006/07 and 2022/23 for Nottingham University Hospital NHS Trust, where the Specialty is 'Obstetrics'. Breakdown by year. The data includes the legal costs paid up until the end of each relevant financial year of closure.

Table 4: Number and Cost of Clinical Claims Closed with a damages payment or Settled with a periodical payment order between financial years 2006/07 and 2022/23 for Nottingham University Hospital NHS Trust, where the Specialty is 'Obstetrics'. Breakdown 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: Number and Cost of Clinical Claims Closed with a damages payment or Settled with a periodical payment order between financial years 2006/07 and 2022/23 for Nottingham University Hospital NHS Trust, where the Specialty is 'Obstetrics'. Breakdown 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.

Table 1: Number of Clinical Claims and/or Incidents received between financial years 2006/07 and 2022/23 for Nottingham University Hospital NHS Trust, where the Specialty is 'Obstetrics'.

FOI View Clinical	Notified Clinical
Year of Notification	No. of Claims
2006/07	10
2007/08	10
2008/09	21
2009/10	13
2010/11	14
2011/12	19
2012/13	24
2013/14	20
2014/15	16
2015/16	12
2016/17	9
2017/18	24
2018/19	12
2019/20	14
2020/21	14
2021/22	15
2022/23	17
Grand Total	264

Table 2: Number and Cost of Clinical Claims Closed with a damages payment or Settled with a periodical payment order between financial years 2006/07 and 2022/23 for Nottingham University Hospital NHS Trust, where the Specialty is 'Obstetrics'. Breakdown by year. 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

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2006/07	#	#	#	#	#
2007/08	#	#	#	#	#
2008/09	5	3,843,951	320,452	576,021	4,740,425
2009/10	11	7,649,986	398,598	533,574	8,582,158
2010/11	#	#	#	#	#
2011/12	7	5,042,794	246,048	437,000	5,725,841
2012/13	7	2,587,440	375,823	817,850	3,781,113
2013/14	8	4,891,700	324,068	939,875	6,155,643
2014/15	13	2,792,821	198,011	476,484	3,467,317
2015/16	#	#	#	#	#
2016/17	7	2,789,972	162,036	309,677	3,261,686
2017/18	12	9,864,401	516,765	1,044,703	11,425,868
2018/19	9	17,059,173	671,212	1,510,000	19,240,384
2019/20	14	4,450,593	366,921	645,234	5,462,748
2020/21	16	9,206,562	600,625	1,564,250	11,371,437
2021/22	#	#	#	#	#
2022/23	8	7,741,781	418,903	1,065,575	9,226,259
Grand Total	134	85,518,419	5,123,536	11,109,339	101,751,294

Table 3: Number and Cost of Clinical Claims Closed with a NIL damages payment between financial years 2006/07 and 2022/23 for Nottingham University Hospital NHS Trust, where the Specialty is 'Obstetrics'. Breakdown by year. The data includes the legal costs paid up until the end of each relevant financial year of closure.

FOI View	Closed Settled
Clinical	Clinical
Claim_Outcome	Unsuccessful

Year of Closure	No. of Claims	NHS Legal Costs Paid	Total Paid
2006/07	13	42,490	42,490
2007/08	5	31,687	31,687
2008/09	15	68,526	68,526
2009/10	7	23,183	23,183
2010/11	15	6,777	6,777
2011/12	17	21,144	21,144
2012/13	13	86,690	86,690
2013/14	19	10,064	10,064
2014/15	12	10,026	10,026
2015/16	7	32,002	32,002
2016/17	11	43,927	43,927
2017/18	#	#	#
2018/19	5	50,742	50,742
2019/20	5	93,317	93,317
2020/21	9	109,264	109,264
2021/22	5	76,399	76,399
2022/23	9	115,218	115,218

Table 4: Number and Cost of Clinical Claims Closed with a damages payment or Settled with a periodical payment order between financial years 2006/07 and 2022/23 for Nottingham University Hospital NHS Trust, where the Specialty is 'Obstetrics'. Breakdown 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.

FOI View	Closed Settled
Clinical	Clinical
Claim_Outcome	Successful

Primary Causes	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Fail / Delay Treatment	14	11,377,294	573,241	1,064,904	13,015,440
Failure/Delay Diagnosis	11	2,089,185	142,605	379,650	2,611,440
Fail To Recog. Complication Of	10	3,240,393	150,240	667,968	4,058,601
Fail To Make Resp To Abnrm FHR	10	19,246,928	1,020,306	1,966,357	22,233,590
Inadequate Nursing Care	10	249,700	41,266	273,700	564,666
Operator Error	9	1,964,267	107,910	540,859	2,613,036
Fail To Monitor 2nd Stg Labour	7	11,495,307	857,114	970,817	13,323,237
Fail To Monitor 1st Stg Labour	7	6,797,422	616,721	619,649	8,033,792
Intra-Op Problems	5	909,806	89,874	390,743	1,390,422
Fail/Delay Admitting To Hosp.	5	179,162	39,336	193,500	411,998
Fail To Warn-Informed Consent	5	2,127,074	183,470	508,596	2,819,141
Fail/Delay Referring To Hosp.	#	#	#	#	#
Fail To Act On Abnorm Test Res	#	#	#	#	#
Lack Of Assistance/Care	#	#	#	#	#
Inappropriate Treatment	#	#	#	#	#
Err With Agnt/Dose/Route/Selec	#	#	#	#	#
Failure To Perform Operation	#	#	#	#	#
Birth Defects	#	#	#	#	#
Delay In Performing Operation	#	#	#	#	#
Medication Errors	#	#	#	#	#
Application Of Excess Force	#	#	#	#	#
Failure To Perform Tests	#	#	#	#	#
Equipment Malfunction	#	#	#	#	#
Foreign Body Left In Situ	#	#	#	#	#
Intubation Problems	#	#	#	#	#
Inapprop. Case Selection	#	#	#	#	#
Fail To Carry Out PO Observs.	#	#	#	#	#
Fail Antenatal Screening	#	#	#	#	#
Perineal Tear-1st,2nd,3rd Deg	#	#	#	#	#
Other	#	#	#	#	#
Retained Instrument Post-Operation (Never Event)	#	#	#	#	#
Failed Sterilisation	#	#	#	#	#
Inapp Use Of Forceps/Ventouse	#	#	#	#	#
Grand Total	134	85,518,419	5,123,536	11,109,339	101,751,294

Table 5: Number and Cost of Clinical Claims Closed with a damages payment or Settled with a periodical payment order between financial years 2006/07 and 2022/23 for Nottingham University Hospital NHS Trust, where the Specialty is 'Obstetrics'. Breakdown 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.

FOI View	Closed Settled
Clinical	Clinical
Claim_Outcome	Successful

Primary Injuries	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Cerebral Palsy	22	45,733,835	2,780,373	4,597,927	53,112,135
Stillborn	21	3,318,313	247,889	1,037,225	4,603,427
Fatality	16	1,194,480	94,389	672,700	1,961,569
Unnecessary Pain	15	189,537	44,818	383,731	618,086
Adtnl/unnecessary Operation(s)	9	212,406	17,039	154,348	383,792
Scarring	7	93,250	18,017	173,100	284,367
Bladder Damage	6	1,841,561	55,836	357,250	2,254,647
Bowel Damage/ Dysfunction	6	2,404,171	200,749	818,218	3,423,138
Erb's Palsy	5	1,281,231	143,407	450,000	1,874,638
Brain Damage	#	#	#	#	#
Psychiatric/Psychological Dmge	#	#	#	#	#
Loss Of Baby	#	#	#	#	#
Burn(s)	#	#	#	#	#
Pressure Sores	#	#	#	#	#
Learning Difficulties	#	#	#	#	#
Tissue Damage	#	#	#	#	#
Cardiac Arrest	#	#	#	#	#
Other Visual Problems	#	#	#	#	#
Spinal Damage	#	#	#	#	#
Unwanted Pregnancy	#	#	#	#	#
Wrongful Birth	#	#	#	#	#
Paraplegia	#	#	#	#	#
Scalp Damage	#	#	#	#	#
Poor Outcome - Fractures Etc.	#	#	#	#	#
Fracture	#	#	#	#	#
Stroke	#	#	#	#	#
Grand Total	134	85,518,419	5,123,536	11,109,339	101,751,294