



# Resolution

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January 2024  
FOI\_6340

The following information was requested on 22 December 2023:

*I understand that there is a formal assessment of the going rates of compensation awarded in respect of children whose deafness was missed by the NHS and who consequently suffer delays and deficits in communication, in some cases permanently. An example would be a deaf child who “missed the window” for cochlear implantation and will consequently never be able to develop meaningful hearing or speech.*

*I am looking for a copy of any document that indicates the going rate of compensation, specifically in respect of failure to identify deafness in babies and toddlers. I don't know if there is a “rate card” or if an assessment of likely compensation has recently been done for NHS partners such as NHS England.*

*If there is an assessment, obviously provisional at this stage, about the total liability that NHS England may face in terms of compensation for failure to identify deafness in children, then I would request that too.*

## Our Response

Thank you for your request for information.

Please note that there is no ‘going rate’ for compensation and how much is awarded will depend on the seriousness of the hearing impairment and the impact on the child’s upbringing.

You can access (you will need to register first) the [Judicial College Guidelines](#), which provide value bands for levels of compensation for hearing impairment based on the seriousness. However, please note that these are guidelines, and each case will be investigated based on the individual circumstances of the case.

We are able to provide you with high-level claims data that may be of assistance. For example, we can provide you with:

- Number of clinical claims received between the financial years [please let us know the date range].... where any of the injuries is ‘Partial Hearing loss’, or ‘Deafness’ and the patient is 4yrs or under at the time of incident.

- Number and cost of clinical claims closed between the financial year .... with a damages payment where any of the injuries is 'Partial Hearing loss', or 'Deafness' and the patient is 4yrs or under at the time of incident.
- Number of clinical and cost of claims closed between the financial year .... with Nil damages payment where any of the injuries is 'Partial Hearing loss', or 'Deafness' and the patient is 4yrs or under at the time of incident.
- Analysis of the primary cause of clinical claims closed between the financial year .... with a damages payment where any of the injuries is 'Partial Hearing loss', or 'Deafness' and the patient is 4yrs or under at the time of incident.

If you would be interested in the above information, please let us know what time period you would like it to cover, e.g. between 2015/16 – 2022/23? We are able to provide the data in complete financial years.

Please note that in respect of any damages payments that the compensation paid may include pecuniary losses and may not be limited to just compensation for the injury itself.

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.

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 [Tinku Mitra](#), Deputy Director of Corporate and Information Governance 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

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