



Resolution

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

March 2024
FOI_6425

The following information was requested on 27 February 2024:

Freedom of Information Request

How much has Barnsley NHS Foundation Trust paid out in compensation for injuries suffered by mothers and babies during birth in:

2021
2022
2023

How many claims were made in:

2021
2022
2023

How many of each injury were claimed for each year?

Our Response

We have interpreted your request for – “...in compensation for injuries suffered by mothers and babies during birth” as Claims within the specialty **Obstetrics** for the named Trust.

Please find attached the requested information. We are able to provide information in complete financial years. We have therefore provided information for the financial year 2020/21 – 2022/23. The information for the financial year 2023/24 is currently unavailable and will be available on request from August 2024.

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>.

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

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.

The number of claims received and settled is often driven by the nature of services provided by the individual trust and is therefore difficult to make direct comparisons against other trusts. We do produce a suite of documents that provides information at a trust level - [Annual statistics \(including Factsheet 5\) - NHS Resolution](#).

We have provided data on clinical cases only.

Table 1 shows: - Number of Clinical Claims and Incidents received between financial years 2020/21 and 2022/23 where the Specialty is 'Obstetrics' and the Trust Name is **'Barnsley Hospital NHS Foundation Trust'**. Breakdown by Notification Year and Primary Injury.

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, with or without the payment of damages. 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. As such, there will be a time gap between incident and claim closure.

Table 2 shows: - Number and Cost of Clinical Claims Closed between financial years 2020/21 and 2022/23 with a damages payment, where the Specialty is 'Obstetrics' and the Trust Name is **'Barnsley Hospital NHS Foundation Trust'**. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure. Breakdown by Year of closure.

Please note that we have not included data for cases settled **without** payment of damages during this period as this was not requested.

Table 3 shows: - Number and Cost of Clinical Claims Closed between financial years 2020/21 and 2022/23 with a damages payment, where the Specialty is 'Obstetrics' and the Trust Name is **'Barnsley Hospital NHS Foundation Trust'**. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure. Breakdown by **Primary Injury**.

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/>

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 Incidents received between financial years 2020/21 and 2022/23 where the Specialty is 'Obstetrics' and the Trust Name is 'Barnsley Hospital NHS Foundation Trust'. Breakdown by Notification Year and Primary Injury.

Table 2: Number and Cost of Clinical Claims Closed between financial years 2020/21 and 2022/23 with a damages payment, where the Specialty is 'Obstetrics' and the Trust Name is 'Barnsley Hospital NHS Foundation Trust'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure. Breakdown by Year of closure.

Table 3: Number and Cost of Clinical Claims Closed between financial years 2020/21 and 2022/23 with a damages payment, where the Specialty is 'Obstetrics' and the Trust Name is 'Barnsley Hospital NHS Foundation Trust'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure. Breakdown by Primary Injury.

Table 1: Number of Clinical Claims and Incidents received between financial years 2020/21 and 2022/23 where the Specialty is 'Obstetrics' and the Trust Name is 'Barnsley Hospital NHS Foundation Trust. Breakdown by Notification Year and Primary Injury.

FOI View	Notified
Trust Name	Barnsley Hospital NHS Foundation Trust
Speciality1L1ARA	Obstetrics

Year of Notification -Primary Injury	No. of Claims
2020/21	5
Brain Damage	#
Fatality	#
Loss Of Baby	#
Scarring	#
2021/22	6
Brain Damage	#
Bruising/ Extravasation	#
Incontinence	#
Psychiatric/Psychological Dmge	#
Stillborn	#
2022/23	14
Adtnl/unnecessary Operation(s)	#
Bowel Damage/ Dysfunction	#
Brain Damage	#
Fatality	#
Fistula	#
Not Specified	#
Psychiatric/Psychological Dmge	#
Stillborn	#
Unnecessary Pain	#
Grand Total	25

Table 2: Number and Cost of Clinical Claims Closed between financial years 2020/21 and 2022/23 with a damages payment, where the Specialty is 'Obstetrics' and the Trust Name is 'Barnsley Hospital NHS Foundation Trust'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure. Breakdown by Year of closure.

FOI View	Closed Settled
Trust Name	Barnsley Hospital NHS Foundation Trust
Speciality1L1ARA	Obstetrics
Claim_Outcome	Successful

Year of Closure	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2020/21	#	#	#	#	#
2021/22	#	#	#	#	#
2022/23	#	#	#	#	#
Grand Total	9	3,288,829	189,367	933,125	4,411,321

Table 3: Number and Cost of Clinical Claims Closed between financial years 2020/21 and 2022/23 with a damages payment, where the Specialty is 'Obstetrics' and the Trust Name is 'Barnsley Hospital NHS Foundation Trust'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure. Breakdown by Primary Injury.

FOI View	Closed Settled
Trust Name	Barnsley Hospital NHS Foundation Trust
Speciality1L1ARA	Obstetrics
Claim_Outcome	Successful

Primary Injury	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Adtnl/unnecessary Operation(s)	#	#	#	#	#
Bladder Damage	#	#	#	#	#
Bruising/ Extravasation	#	#	#	#	#
Cardiovascular Condition	#	#	#	#	#
Cerebral Palsy	#	#	#	#	#
Loss Of Baby	#	#	#	#	#
Scarring	#	#	#	#	#
Tissue Damage	#	#	#	#	#
Grand Total	9	3,288,829	189,367	933,125	4,411,321