



Resolution

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April 2024
FOI_6438

The following information was requested on 4 March 2024:

Can you please tell me the number of clinical Claims and/or Incidents received between financial years 2006/07 and 2022/23 for East Kent Hospitals University NHS Foundation Trust, where the Specialty is 'Obstetrics'?

Can I please have the 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 East Kent Hospitals University NHS Foundation Trust, where the Specialty is 'Obstetrics'. Breakdown by year. The data should include the damages and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

Can I please have the number and Cost of Clinical Claims Closed with a NIL damages payment between financial years 2006/07 and 2022/23 for East Kent Hospitals University NHS Foundation Trust where the Specialty is 'Obstetrics'. Breakdown by year. The data should include the legal costs paid up until the end of each relevant financial year of closure.

Can I please have the 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 East Kent Hospitals University NHS Foundation Trust, where the Specialty is 'Obstetrics'. Please breakdown by primary cause. The data should include the damages and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

Can I please have the 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 East Kent Hospitals University NHS Foundation Trust where the Specialty is 'Obstetrics'. Please breakdown by primary injury. The data include the damages and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

Our Response

Please find attached the requested information.

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>.

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 and close. They are not guaranteed to be settled and closed in the same year. As such, there will be a time gap between incident and claim closure.

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.

We have provided data on clinical cases only.

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

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 with a periodical payment order) between financial years 2006/07 and 2022/23 with a damages payment, where the Specialty is **Obstetrics**, for **East Kent Hospitals University NHS Foundation Trust**. 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 between financial years 2006/07 and 2022/23 with **NIL** damages paid where the Specialty is **Obstetrics**, for **East Kent Hospitals University NHS Foundation Trust**.

Table 4 shows: - Analysis of Primary Causes for Clinical Claims Closed with a damages payment or Settled with a periodical payment order between financial years 2006/07 and 2022/23 where the Specialty is **Obstetrics**, for **East Kent Hospitals University NHS Foundation Trust**. 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: - Analysis of Primary Injuries for Clinical Claims Closed with a damages payment or Settled with a periodical payment order between financial years 2006/07 and 2022/23 where the Specialty is **Obstetrics**, for **East Kent Hospitals University NHS Foundation Trust**. 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/or Incidents received between financial years 2006/07 and 2022/23 where the Specialty is Obstetrics for East Kent Hospitals University NHS Foundation Trust.

Table 2: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2006/07 and 2022/23 with a damages payment, where the Specialty is Obstetrics, for East Kent Hospitals University NHS Foundation Trust. 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 between financial years 2006/07 and 2022/23 with NIL damages paid where the Specialty is Obstetrics, for East Kent Hospitals University NHS Foundation Trust.

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Table 1: Number of Clinical Claims and/or Incidents received between financial years 2006/07 and 2022/23 where the Specialty is Obstetrics for East Kent Hospitals University NHS Foundation Trust.

FOI View	Notified
Year of Notification	No. of Claims
2006/07	7
2007/08	10
2008/09	7
2009/10	9
2010/11	13
2011/12	13
2012/13	10
2013/14	16
2014/15	15
2015/16	11
2016/17	14
2017/18	7
2018/19	16
2019/20	14
2020/21	11
2021/22	15
2022/23	26
Grand Total	214

Table 2: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2006/07 and 2022/23 with a damages payment, where the Specialty is Obstetrics, for East Kent Hospitals University NHS Foundation Trust. 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

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2006/07	5	91,500	32,812	83,465	207,776
2007/08	6	8,376,400	393,451	920,045	9,689,896
2008/09	10	3,021,113	194,457	437,488	3,653,058
2009/10	10	309,750	69,406	195,496	574,652
2010/11	8	108,000	51,401	167,834	327,235
2011/12	5	180,500	14,654	128,750	323,904
2012/13	10	5,166,493	186,862	718,250	6,071,604
2013/14	10	5,635,146	326,944	1,008,123	6,970,214
2014/15	7	508,654	120,597	376,820	1,006,071
2015/16	10	6,409,637	275,456	1,628,050	8,313,143
2016/17	8	3,181,036	226,086	977,758	4,384,881
2017/18	11	1,748,189	141,021	724,711	2,613,920
2018/19	5	159,361	12,798	124,900	297,059
2019/20	14	5,944,702	370,693	1,588,410	7,903,804
2020/21	#	#	#	#	#
2021/22	10	599,148	94,174	494,013	1,187,334
2022/23	8	7,602,635	172,435	867,500	8,642,570

Table 3: Number and Cost of Clinical Claims Closed between financial years 2006/07 and 2022/23 with NIL damages paid where the Specialty is Obstetrics, for East Kent Hospitals University NHS Foundation Trust.

FOI View

Closed Settled

Year of Closure (Settlement Year for PPOs)	No. of Claims	NHS Legal Costs Paid	Claimant Legal Costs Paid
2006/07	#	#	#
2007/08	#	#	#
2008/09	#	#	#
2009/10	#	#	#
2010/11	#	#	#
2011/12	#	#	#
2012/13	#	#	#
2013/14	#	#	#
2014/15	#	#	#
2015/16	#	#	#
2016/17	5	64,887	0
2017/18	#	#	#
2018/19	5	52,997	0
2019/20	#	#	#
2020/21	5	28,861	0
2021/22	6	37,375	0
2022/23	7	50,424	0
Grand Total	58	445,286	0

Table 4: Analysis of Primary Causes for Clinical Claims Closed with a damages payment or Settled with a periodical payment order between financial years 2006/07 and 2022/23 where the Specialty is Obstetrics, for East Kent Hospitals University NHS Foundation Trust. 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

Primary Causes	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Operator Error	5	98,000	32,041	171,250	301,291
Fail Antenatal Screening	7	297,861	30,180	287,000	615,041
Fail To Monitor 1st Stg Labour	8	5,009,891	216,153	487,028	5,713,072
Fail To Recog. Complication Of	10	10,878,238	539,985	2,047,833	13,466,057
Fail To Make Resp To Abnrm FHR	11	8,203,492	474,450	1,310,850	9,988,791
Failure/Delay Diagnosis	17	4,145,750	376,685	1,314,424	5,836,859
Fail / Delay Treatment	28	4,942,989	309,913	1,686,326	6,939,228
Fail To Warn-Informed Consent	#	#	#	#	#
Fail Mon Dose/rate Syntocinon	#	#	#	#	#
Forceps Delivery	#	#	#	#	#
Fail To Infrm Test Rslts	#	#	#	#	#
Foreign Body Left In Situ	#	#	#	#	#
Err With Agnt/Dose/Route/Selec	#	#	#	#	#
Inadequate Monitoring Intra-Op	#	#	#	#	#
Fail To Monitor 2nd Stg Labour	#	#	#	#	#
Inadequate Nursing Care	#	#	#	#	#
Application Of Excess Force	#	#	#	#	#
Inappropriate Treatment	#	#	#	#	#
Failure To Perform Operation	#	#	#	#	#
Intra-Op Problems	#	#	#	#	#
Fail To Follow-Up Arrangements	#	#	#	#	#
Labial Tear	#	#	#	#	#
Bacterial Infection	#	#	#	#	#
Lack Of Assistance/Care	#	#	#	#	#
Fail/Delay Admitting To Hosp.	#	#	#	#	#
Medication Errors	#	#	#	#	#
Fail To Interpret USS	#	#	#	#	#
Fail To Act On Abnorm Test Res	#	#	#	#	#
Failure To Perform Tests	#	#	#	#	#
Other	#	#	#	#	#
Birth Defects	#	#	#	#	#
Perineal Tear-1st,2nd,3rd Deg	#	#	#	#	#

Table 5: Analysis of Primary Injuries for Clinical Claims Closed with a damages payment or Settled with a periodical payment order between financial years 2006/07 and 2022/23 where the Specialty is Obstetrics, for East Kent Hospitals University NHS Foundation Trust. 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

Primary Injuries	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Bladder Damage	5	398,500	25,079	186,958	610,537
Adtnl/unnecessary Operation(s)	9	871,776	136,650	752,555	1,760,981
Fatality	12	776,227	172,294	718,959	1,667,479
Cerebral Palsy	12	27,495,392	1,069,188	3,144,118	31,708,698
Unnecessary Pain	15	467,462	79,296	475,889	1,022,647
Psychiatric/Psychological Dmge	21	334,648	99,909	530,130	964,687
Stillborn	22	834,106	61,788	629,691	1,525,584
Incontinence	#	#	#	#	#
Brain Damage	#	#	#	#	#
Fracture	#	#	#	#	#
Deafness	#	#	#	#	#
Tissue Damage	#	#	#	#	#
Infertility	#	#	#	#	#
Multiple Injuries	#	#	#	#	#
Joint Damage	#	#	#	#	#
Other Infection	#	#	#	#	#
Sepsis	#	#	#	#	#
Renal Damage/ Failure	#	#	#	#	#
Cancer	#	#	#	#	#
Infectious Diseases	#	#	#	#	#
Failed Sterilization	#	#	#	#	#
Fistula	#	#	#	#	#
Scarring	#	#	#	#	#
Multiple Disabilities	#	#	#	#	#
Loss Of Baby	#	#	#	#	#
Bowel Damage/ Dysfunction	#	#	#	#	#
Pressure Sores	#	#	#	#	#
Removal Of Fallopian Tube	#	#	#	#	#
Foot Drop	#	#	#	#	#
Rupture	#	#	#	#	#
Wrongful Birth	#	#	#	#	#
Erb's Palsy	#	#	#	#	#
Foetal Abnormality	#	#	#	#	#
Nerve Damage	#	#	#	#	#
Unwanted Pregnancy	#	#	#	#	#