



Resolution

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April 2024
FOI_6447

The following information was requested on 8 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 the Royal Sussex County Hospital in Brighton, 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 the Royal Sussex County Hospital in Brighton, 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 the Royal Sussex County Hospital in Brighton, 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 the Royal Sussex County Hospital in Brighton, 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 the Royal Sussex County Hospital in Brighton, 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 note that we record claims against the Member Trust and not a hospital. Therefore, we are able to provide the requested information for University Hospitals Sussex NHS Foundation Trust. 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 **University Hospitals Sussex 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 **University Hospitals Sussex 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 **University Hospitals Sussex 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 **University Hospitals Sussex 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 **University Hospitals Sussex 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 University Hospitals Sussex 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 University Hospitals Sussex 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.

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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 University Hospitals Sussex NHS Foundation Trust.

FOI View	Notified
Year of Notification	No. of Claims
2006/07	11
2007/08	8
2008/09	13
2009/10	9
2010/11	12
2011/12	16
2012/13	21
2013/14	18
2014/15	19
2015/16	17
2016/17	15
2017/18	17
2018/19	14
2019/20	16
2020/21	26
2021/22	16
2022/23	22
Grand Total	270

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 University Hospitals Sussex 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	#	#	#	#	#
2007/08	#	#	#	#	#
2008/09	9	8,303,025	432,199	856,137	9,591,361
2009/10	#	#	#	#	#
2010/11	9	1,007,500	98,450	479,050	1,585,000
2011/12	11	923,057	107,875	579,987	1,610,919
2012/13	10	950,181	109,551	495,954	1,555,686
2013/14	16	12,891,250	500,607	1,496,265	14,888,122
2014/15	16	6,664,214	293,640	1,314,870	8,272,725
2015/16	8	4,810,873	219,438	1,391,350	6,421,661
2016/17	13	3,003,000	211,598	757,318	3,971,916
2017/18	12	928,650	165,391	777,303	1,871,343
2018/19	8	9,614,220	261,670	1,063,500	10,939,390
2019/20	12	8,421,811	423,970	1,174,818	10,020,600
2020/21	7	6,261,604	308,925	819,213	7,389,742
2021/22	20	16,483,101	610,682	2,724,051	19,817,834
2022/23	21	26,861,151	1,187,379	3,913,678	31,962,209
Grand Total	180	118,939,838	5,469,527	18,729,037	143,138,403

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 University Hospitals Sussex 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	5	50,316	0
2010/11	#	#	#
2011/12	6	14,568	0
2012/13	7	19,207	0
2013/14	6	64,310	0
2014/15	7	38,207	0
2015/16	8	43,922	0
2016/17	5	20,036	0
2017/18	#	#	#
2018/19	12	49,897	0
2019/20	5	17,901	0
2020/21	#	#	#
2021/22	6	26,557	0
2022/23	7	100,482	0
Grand Total	91	628,888	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 University Hospitals Sussex 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
Fail To Warn-Informed Consent	5	636,657	105,858	486,942	1,229,457
Fail To Monitor 1st Stg Labour	7	11,679,472	463,200	1,079,387	13,222,058
Fail Antenatal Screening	7	203,540	9,644	156,058	369,243
Fail To Monitor 2nd Stg Labour	8	14,735,074	626,062	1,810,059	17,171,196
Intra-Op Problems	9	765,057	72,162	293,018	1,130,237
Perineal Tear-1st,2nd,3rd Deg	9	1,097,497	162,789	719,378	1,979,664
Fail To Recog. Complication Of	12	8,865,823	300,966	1,383,027	10,549,815
Failure/Delay Diagnosis	20	5,727,050	408,755	2,472,941	8,608,746
Fail To Make Resp To Abnrm FHR	21	40,141,510	1,415,800	3,752,994	45,310,304
Fail / Delay Treatment	28	13,646,401	746,392	2,239,550	16,632,344
Fail/Delay Referring To Hosp.	#	#	#	#	#
Fail To Act On Abnrm Test Res	#	#	#	#	#
Forceps Delivery	#	#	#	#	#
Fail To Interpret USS	#	#	#	#	#
Foreign Body Left In Situ	#	#	#	#	#
Err With Agnt/Dose/Route/Selec	#	#	#	#	#
Inadequate Monitoring Intra-Op	#	#	#	#	#
Birth Defects	#	#	#	#	#
Inadequate Nursing Care	#	#	#	#	#
Fail/Delay Avail Op Thtre	#	#	#	#	#
Inapp Use Of Forceps/Ventouse	#	#	#	#	#
Failed Infection Control Policy/Hospital Hygiene	#	#	#	#	#
Inappropriate Discharge	#	#	#	#	#
Failure To Perform Tests	#	#	#	#	#
Fail To Correctly Apply Forcep	#	#	#	#	#
Fail To Infrm Test Rslts	#	#	#	#	#
Labial Tear	#	#	#	#	#
Bacterial Infection	#	#	#	#	#
Lack Of Assistance/Care	#	#	#	#	#
Application Of Excess Force	#	#	#	#	#
Operator Error	#	#	#	#	#
Failure To X-Ray	#	#	#	#	#
Perform. Of Op. Not Indicated	#	#	#	#	#
Fail Mon Dose/rate Syntocinon	#	#	#	#	#
Fail To Diag Pre-Eclampsia	#	#	#	#	#
Delay In Performing Operation	#	#	#	#	#
Premature Ceasure Of Treatment	#	#	#	#	#
Failure To Perform Operation	#	#	#	#	#
Retained Instrument Post-Operation	#	#	#	#	#
Grand Total	180	118,939,838	5,469,527	18,729,037	143,138,403

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 University Hospitals Sussex 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
Other Infection	5	298,540	187,090	84,750	570,380
Bowel Damage/ Dysfunction	7	1,088,127	181,373	874,128	2,143,627
Bladder Damage	7	488,500	38,120	181,876	708,495
Brain Damage	9	28,763,047	1,031,871	3,186,450	32,981,368
Fatality	15	924,915	197,842	1,078,065	2,200,822
Adtnl/unnecessary Operation(s)	16	466,861	52,730	499,154	1,018,745
Stillborn	18	770,908	89,250	802,227	1,662,385
Unnecessary Pain	20	298,017	87,054	469,643	854,714
Psychiatric/Psychological Dmge	21	1,330,657	88,449	793,018	2,212,124
Cerebral Palsy	24	79,130,558	2,873,481	7,511,129	89,515,168
Incontinence	#	#	#	#	#
Advanced Stage Cancer	#	#	#	#	#
Other	#	#	#	#	#
Hospital Acquired Infection	#	#	#	#	#
Pressure Sores	#	#	#	#	#
Erb's Palsy	#	#	#	#	#
Hernia	#	#	#	#	#
Loss Of Baby	#	#	#	#	#
Fistula	#	#	#	#	#
Rupture	#	#	#	#	#
Infertility	#	#	#	#	#
Anaphylact Shock/Allergic Shock/allergy	#	#	#	#	#
Thrombosis/Embolism	#	#	#	#	#
Wrongful Birth	#	#	#	#	#
Scarring	#	#	#	#	#
Unwanted Pregnancy	#	#	#	#	#
Sepsis	#	#	#	#	#
Arterial Damage	#	#	#	#	#
Nerve Damage	#	#	#	#	#
Anaesthetic	#	#	#	#	#
Renal Damage/ Failure	#	#	#	#	#
Anal Fissure	#	#	#	#	#
Grand Total	180	118,939,838	5,469,527	18,729,037	143,138,403