



## Resolution

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**Telephone:** 020 7811 2700

June 2024  
FOI\_6561

The following information was requested on 28 May 2024:

*How much has Doncaster NHS Foundation Trust paid out in compensation for injuries suffered by mothers and babies during birth in Doncaster 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>.

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.

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 '**Doncaster and Bassetlaw Teaching Hospitals 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. 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 2020/21 and 2022/23 with a damages payment, where the Specialty is '**Obstetrics**' and the Trust Name is '**Doncaster and Bassetlaw Teaching Hospitals 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. Breakdown by Year of closure.

**Table 3 shows:** - Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2020/21 and 2022/23 with a damages payment, where the Specialty is '**Obstetrics**' and the Trust Name is '**Doncaster and Bassetlaw Teaching Hospitals 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. Breakdown by [Primary Injury](#).

## **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.

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

Table 2: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2020/21 and 2022/23 with a damages payment, where the Specialty is 'Obstetrics' and the Trust Name is 'Doncaster and Bassetlaw Teaching Hospitals 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. Breakdown by Year of closure.

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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 'Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust'. Breakdown by Notification Year and Primary Injury.

|                   |                                                                 |
|-------------------|-----------------------------------------------------------------|
| FOI View          | Notified                                                        |
| Latest Trust Name | Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust |
| Speciality1L1ARA  | Obstetrics                                                      |

| Year of Notification           | No. of Claims |
|--------------------------------|---------------|
| <b>2020/21</b>                 |               |
| Bladder Damage                 | #             |
| Brain Damage                   | #             |
| Cerebral Palsy                 | #             |
| Loss Of Baby                   | #             |
| Unnecessary Pain               | #             |
| <b>2021/22</b>                 |               |
| Bladder Damage                 | #             |
| Fatality                       | #             |
| Fracture                       | #             |
| Loss Of Baby                   | #             |
| Psychiatric/Psychological Dmge | #             |
| Stillborn                      | #             |
| Unnecessary Pain               | #             |
| <b>2022/23</b>                 |               |
| Brain Damage                   | #             |
| Bruising/ Extravasation        | #             |
| Fatality                       | #             |
| Foetal Abnormality             | #             |
| Loss Of Baby                   | #             |
| Other                          | #             |
| Unnecessary Pain               | #             |
| <b>Grand Total</b>             | <b>24</b>     |

**Table 2: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2020/21 and 2022/23 with a damages payment, where the Specialty is 'Obstetrics' and the Trust Name is 'Doncaster and Bassetlaw Teaching Hospitals 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. Breakdown by Year of closure.**

|                   |                                                                 |
|-------------------|-----------------------------------------------------------------|
| FOI View          | Closed Settled                                                  |
| Latest Trust Name | Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust |
| Speciality1L1ARA  | Obstetrics                                                      |
| 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 |
|--------------------------------------------|---------------|--------------|----------------------|---------------------------|------------|
| 2020/21                                    | 6             | 1,687,000    | 113,168              | 544,045                   | 2,344,213  |
| 2021/22                                    | 8             | 3,960,066    | 233,205              | 662,350                   | 4,855,621  |
| 2022/23                                    | #             | #            | #                    | #                         | #          |

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|                   |                                                                 |
|-------------------|-----------------------------------------------------------------|
| FOI View          | Closed Settled                                                  |
| Latest Trust Name | Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust |
| Speciality        | 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) | #             | #            | #                    | #                         | #          |
| Fatality                       | #             | #            | #                    | #                         | #          |
| Unnecessary Pain               | #             | #            | #                    | #                         | #          |
| Erb's Palsy                    | #             | #            | #                    | #                         | #          |
| Bowel Damage/ Dysfunction      | #             | #            | #                    | #                         | #          |
| Brain Damage                   | #             | #            | #                    | #                         | #          |
| Loss Of Baby                   | #             | #            | #                    | #                         | #          |
| Stillborn                      | #             | #            | #                    | #                         | #          |