



Resolution

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August 2024
FOI_6659

The following information was requested on 16 July 2024:

[You requested on 16 July 2024]

Please could you send me a list of compensation claims and payouts for maternity and obstetrics care at the Countess of Chester between 2014 and 2024, broken down by year.

Please could you tell me what each of the compensation claims relates to and the individual payout.

Please could you tell me the number of compensation claims which are currently outstanding for the same period.

[We replied on 16 July 2024]

Thank you for your request below.

Before we can respond, please, could I clarify what you mean by: Please could you tell me what each of the compensation claims relates to and the individual payout?

We could provide you with the number of claims received for the specialty maternity/obstetrics for the trust and numbers of closed claims with paid damages, broken down by year and by Causes or Injuries.

Please refer to our publication: [Guidance-note-Understanding-NHS-Resolution-data-updated](#) and a set of specialty, cause and injury codes against which claims are logged: [CNST-Codes.xlsx \(live.com\)](#) (see the three tabs in the spreadsheet).

In terms of individual payout, we would like to advise you that we would be unable to disclose any details that would allow the identification of the individual claim, where it could lead to the breach of the Data Protection requirements.

Your request will be put on hold until we receive the clarification requested above.

[You replied on 16 July 2024]

Yes, I understand the constraints.

"We could provide you with the number of claims received for the specialty maternity/obstetrics for the trust and numbers of closed claims with paid damages, broken down by year and by Causes or Injuries."

The above is fine, and could you give me the total paid out in compensation for each year if you are unable to break it down for individual claims?

Our Response

Please note: 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. We have provided the information that relates to the specialty Obstetrics for Countess of Chester Hospital NHS Foundation Trust'.

Please find attached the following information we can provide:

Table 1 shows: - Number of Clinical Claims and Incidents received between financial years 2014/15 and 2023/24 where the Specialty is '**Obstetrics**' and the Trust Name is '**Countess of Chester Hospital NHS Foundation Trust**'.

Table 2 shows: - Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2014/15 and 2023/24 with a

damages payment, where the Specialty is '**Obstetrics**' and the Trust Name is '**Countess of Chester Hospital 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.

There were no claims closed (or settled as a PPO) during the financial year 2015/16 that met the above criteria.

Table 3 shows: - Analysis of Primary Injuries for Clinical Claims Closed with a damages payment or Settled with a periodical payment order between financial years 2014/15 and 2023/24 where the Specialty is '**Obstetrics**' and the Trust Name is '**Countess of Chester Hospital 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 2014/15 and 2023/24 where the Specialty is '**Obstetrics**' and the Trust Name is '**Countess of Chester Hospital NHS Foundation Trust**'.

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

We have suppressed low numbers and not broken down the data into individual financial years 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 FOI 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. We take the view that it would not be fair or lawful (given the sensitive and confidential nature of the information held) to disclose such information, and any disclosure would therefore contravene the first data protection principle.

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.

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 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 2014/15 and 2023/24 where the Specialty is 'Obstetrics' and the Trust Name is 'Countess of Chester Hospital NHS Foundation Trust'.

Table 2: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2014/15 and 2023/24 with a damages payment, where the Specialty is 'Obstetrics' and the Trust Name is 'Countess of Chester Hospital 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: Analysis of Primary Injuries for Clinical Claims Closed with a damages payment or Settled with a periodical payment order between financial years 2014/15 and 2023/24 where the Specialty is 'Obstetrics' and the Trust Name is 'Countess of Chester Hospital NHS Foundation Trust'.

Table 4: Analysis of Primary Causes for Clinical Claims Closed with a damages payment or Settled with a periodical payment order between financial years 2014/15 and 2023/24 where the Specialty is 'Obstetrics' and the Trust Name is 'Countess of Chester Hospital NHS Foundation Trust'.

Table 1: Number of Clinical Claims and Incidents received between financial years 2014/15 and 2023/24 where the Specialty is 'Obstetrics' and the Trust Name is 'Countess of Chester Hospital NHS Foundation Trust'.

Notified	Y
Clinical_NonClinical	Clinical

Year of Notification	No. of Claims
2014/15	7
2015/16	8
2016/17	#
2017/18	8
2018/19	#
2019/20	5
2020/21	#
2021/22	8
2022/23	#
2023/24	#
Grand Total	53

Table 2: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years 2014/15 and 2023/24 with a damages payment, where the Specialty is 'Obstetrics' and the Trust Name is 'Countess of Chester Hospital 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.

Clinical_NonClinical	Clinical
ClosedSettled	Y
Claim_Outcome	Damages Paid

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2014/15	#	#	#	#	#
2016/17	#	#	#	#	#
2017/18	#	#	#	#	#
2018/19	#	#	#	#	#
2019/20	#	#	#	#	#
2020/21	#	#	#	#	#
2021/22	5	95,346	46,911	173,500	315,757
2022/23	#	#	#	#	#
2023/24	#	#	#	#	#
Grand Total	33	34,913,146	1,161,163	3,565,828	39,640,136

Table 3: Analysis of Primary Injuries for Clinical Claims Closed with a damages payment or Settled with a periodical payment order between financial years 2014/15 and 2023/24 where the Specialty is 'Obstetrics' and the Trust Name is 'Countess of Chester Hospital NHS Foundation Trust'.

ClosedSettled scheme	Y CNST
Claim_Outcome	Damages Paid

Year of Closure (Settlement Year for PPOs) ----- Primary Injuries	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2014/15	#	#	#	#	#
Fatality	#	#	#	#	#
Brain Damage	#	#	#	#	#
Bladder Damage	#	#	#	#	#
2016/17	#	#	#	#	#
Adtnl/unnecessary Operation(s)	#	#	#	#	#
Cerebral Palsy	#	#	#	#	#
Bowel Damage/ Dysfunction	#	#	#	#	#
2017/18	#	#	#	#	#
Loss Of Baby	#	#	#	#	#
Respiratory Disorder/ Failure	#	#	#	#	#
Adtnl/unnecessary Operation(s)	#	#	#	#	#
Unnecessary Pain	#	#	#	#	#
2018/19	#	#	#	#	#
Brain Damage	#	#	#	#	#
Unnecessary Pain	#	#	#	#	#
Adtnl/unnecessary Operation(s)	#	#	#	#	#
Psychiatric/Psychological Dmge	#	#	#	#	#
2019/20	#	#	#	#	#
Brain Damage	#	#	#	#	#
Other Infection	#	#	#	#	#
Psychiatric/Psychological Dmge	#	#	#	#	#
Unnecessary Pain	#	#	#	#	#
2020/21	#	#	#	#	#
Brain Damage	#	#	#	#	#
Cardiovascular Condition	#	#	#	#	#
Pressure Sores	#	#	#	#	#
Unnecessary Pain	#	#	#	#	#
2021/22	5	95,346	46,911	173,500	315,757
Unnecessary Pain	#	#	#	#	#
Thrombosis/Embolism	#	#	#	#	#
Perforation	#	#	#	#	#
2022/23	#	#	#	#	#
Unnecessary Pain	#	#	#	#	#
Cerebral Palsy	#	#	#	#	#
Thrombosis/Embolism	#	#	#	#	#
2023/24	#	#	#	#	#
Psychiatric/Psychological Dmge	#	#	#	#	#
Cerebral Palsy	#	#	#	#	#
Unnecessary Pain	#	#	#	#	#
Grand Total	33	34,913,146	1,161,163	3,565,828	39,640,136

Table 4: Analysis of Primary Causes for Clinical Claims Closed with a damages payment or Settled with a periodical payment order between financial years 2014/15 and 2023/24 where the Specialty is 'Obstetrics' and the Trust Name is 'Countess of Chester Hospital NHS Foundation Trust'.

ClosedSettled scheme	Y CNST
Claim_Outcome	Damages Paid

Year of Closure (Settlement Year for PPOs) ----- Primary Causes	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2014/15	#	#	#	#	#
Fail To Carry Out PO Observs.	#	#	#	#	#
Fail To Follow-Up Arrangements	#	#	#	#	#
Fail To Monitor 1st Stg Labour	#	#	#	#	#
2016/17	#	#	#	#	#
Intra-Op Problems	#	#	#	#	#
Operator Error	#	#	#	#	#
Fail To Monitor 2nd Stg Labour	#	#	#	#	#
2017/18	#	#	#	#	#
Fail To Warn-Informed Consent	#	#	#	#	#
Failure To Perform Operation	#	#	#	#	#
Fail To Monitor 1st Stg Labour	#	#	#	#	#
Fail To Act On Abnorm Test Res	#	#	#	#	#
2018/19	#	#	#	#	#
Fail To Recog. Complication Of	#	#	#	#	#
Intra-Op Problems	#	#	#	#	#
Fail To Monitor 2nd Stg Labour	#	#	#	#	#
Fail Antenatal Screening	#	#	#	#	#
2019/20	#	#	#	#	#
Fail / Delay Treatment	#	#	#	#	#
Inadequate Nursing Care	#	#	#	#	#
Fail To Make Resp To Abnrm FHR	#	#	#	#	#
Fail To Monitor 2nd Stg Labour	#	#	#	#	#
2020/21	#	#	#	#	#
Fail To Recog. Complication Of	#	#	#	#	#
Perineal Tear-1st,2nd,3rd Deg	#	#	#	#	#
Fail To Make Resp To Abnrm FHR	#	#	#	#	#
Fail Antenatal Screening	#	#	#	#	#
2021/22	5	95,346	46,911	173,500	315,757
Fail To Recog. Complication Of	#	#	#	#	#
Failure/Delay Diagnosis	#	#	#	#	#
Intra-Op Problems	#	#	#	#	#
Fail To Monitor 2nd Stg Labour	#	#	#	#	#
Fail Antenatal Screening	#	#	#	#	#
2022/23	#	#	#	#	#
Fail / Delay Treatment	#	#	#	#	#
Failure/Delay Diagnosis	#	#	#	#	#
Fail Antenatal Screening	#	#	#	#	#
2023/24	#	#	#	#	#
Fail To Warn-Informed Consent	#	#	#	#	#
Failure/Delay Diagnosis	#	#	#	#	#
Inappropriate Treatment	#	#	#	#	#
Grand Total	33	34,913,146	1,161,163	3,565,828	39,640,136