



Resolution

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

November 2024
FOI_6771

The following information was requested on 27 September and clarified on 10 October 2024:

Neurosurgical and Obstetric departments in respect of clinical negligence claims both in terms of the number of claims and payments per year. We would therefore be grateful if you could benchmark UHCW's Neurosurgical department for the years 2021 to 2024 against the number of clinical negligence claims and annual compensation payouts for the following Neurosurgical departments. We appreciate that you are not in a position to reveal the specific identities of the bench marked Trusts. They will have to be greyed out but knowing the sample group UHCW is being bench marked against does provide UHCW with some understanding of their claims history.

Oxford
Cambridge
Nottingham
University Hospitals Birmingham
University Hospital Southampton
Royal Preston
Hull Royal Infirmary
University College London
Kings College

We also request a similar bench marking exercise in respect of Obstetrics for the period 2021 to 2024:

Manchester University NHS Trust
Women's Hospital, Birmingham
Oxford
Cambridge
Nottingham
University Hospitals Birmingham
University Hospital Southampton
University College London
Kings College

[Names of Trusts clarified on 10 October 2024 as]:

Oxford – Oxford University Hospitals NHS Foundation Trust?
Cambridge – Cambridge University Hospitals NHS Foundation Trust?
Nottingham – Nottingham University Hospitals NHS Trust?
University Hospitals Birmingham – University Hospitals Birmingham NHS Foundation Trust
University Hospital Southampton – University Hospital Southampton NHS Foundation Trust

Royal Preston – Royal Preston Hospital appears to be part of Lancashire Teaching Hospitals NHS Foundation Trust?

Hull Royal Infirmary – Hull Royal Infirmary appears to be part of Hull University Teaching Hospitals NHS Trust?

University College London – University College London Hospitals NHS Foundation Trust

Kings College – King's College Hospital NHS Foundation Trust

We also request a similar bench marking exercise in respect of Obstetrics for the period 2021 to 2024:

Manchester University NHS Trust – Manchester University NHS Foundation Trust

Women's Hospital, Birmingham – Birmingham Women's and Children's NHS Foundation Trust?

Oxford – as above?

Cambridge – as above?

Nottingham – as above?

University Hospitals Birmingham – as above

University Hospital Southampton – as above

University College London – as above

Kings College – as above

Our Response

Please find attached the requested information we are able to provide. We are able to provide the claims data for complete financial years 2020/21 – 2023/24.

We note the request for benchmarking data which we are unable to provide. We have however provided claims data on the Trusts named in the request. The tables broken down by Trusts should not be interpreted as a league table. Larger member organisations and those which provide more complex treatments may receive more claims than smaller organisations or those providing low risk care. Inevitably, different institutions face different levels of risk because of the variations in the nature and complexity of the procedures they perform. In some circumstances, volumes of reported cases may be impacted by multiple claims notified in relation to one cause of action.

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.

Table 1 shows: - Number of CNST Claims and Incidents received between financial years 2020/21 and 2023/24 where the Specialty is '**Neurosurgery**' for the Trusts listed.

Table 2 shows: - Number and Cost of CNST Claims Closed (or settled with a periodical payment order) between financial years 2020/21 and 2023/24 with a damages payment, where the Specialty is '**Neurosurgery**' for the Trusts listed. 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 of CNST Claims and Incidents received between financial years 2020/21 and 2023/24 where the Specialty is '**Obstetrics**' for the Trusts listed.

Table 4 shows: - Number and Cost of CNST Claims Closed (or settled with a periodical payment order) between financial years 2020/21 and 2023/24 with a damages payment, where the Specialty is '**Obstetrics**' for the Trusts listed. 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.

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 CNST Claims and Incidents received between financial years 2020/21 and 2023/24 where the Specialty is 'Neurosurgery' for the Trusts listed

Table 2: Number and Cost of CNST Claims Closed (or settled with a periodical payment order) between financial years 2020/21 and 2023/24 with a damages payment, where the Specialty is 'Neurosurgery' for the Trusts listed 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 of CNST Claims and Incidents received between financial years 2020/21 and 2023/24 where the Specialty is 'Obstetrics' for the Trusts listed

Table 4: Number and Cost of CNST Claims Closed (or settled with a periodical payment order) between financial years 2020/21 and 2023/24 with a damages payment, where the Specialty is 'Obstetrics' for the Trusts listed 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 1: Number of CNST Claims and Incidents received between financial years 2020/21 and 2023/24 where the Specialty is 'Neurosurgery' for the Trusts listed

Notified	Y
scheme	CNST
Neurosurgery Trusts	Y
Specialty1L1ARA	Neurosurgery

Trust Name	No. of Claims
University Hospitals Birmingham NHS Foundation Trust	68
University Hospitals Coventry & Warwickshire NHS Trust	50
Cambridge University Hospitals NHS Foundation Trust	32
Lancashire Teaching Hospitals NHS Foundation Trust	30
University Hospital Southampton NHS Foundation Trust	26
Hull University Teaching Hospitals NHS Trust	25
University College London Hospitals NHS Foundation Trust	24
King's College Hospital NHS Foundation Trust	24
Oxford University Hospitals NHS Foundation Trust	17
Nottingham University Hospitals NHS Trust	16
Grand Total	312

Table 2: Number and Cost of CNST Claims Closed (or settled with a periodical payment order) between financial years 2020/21 and 2023/24 with a damages payment, where the Specialty is 'Neurosurgery' for the Trusts listed 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.

ClosedSettled scheme	Y
Claim_Outcome	CNST
Specialty1L1ARA	Damages Paid
Neurosurgery Trusts	Neurosurgery
	Y

Trust Name	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
University Hospitals Birmingham NHS Foundation Trust	39	21,714,622	1,795,447	4,127,196	27,637,264
University Hospitals Coventry & Warwickshire NHS Trust	20	2,145,247	227,560	966,550	3,339,357
King's College Hospital NHS Foundation Trust	18	9,844,754	683,104	2,655,463	13,183,321
Hull University Teaching Hospitals NHS Trust	15	3,004,308	311,573	1,372,415	4,688,297
University College London Hospitals NHS Foundation Trust	14	4,138,349	617,796	1,701,250	6,457,394
Oxford University Hospitals NHS Foundation Trust	13	5,846,065	570,991	1,905,750	8,322,806
Lancashire Teaching Hospitals NHS Foundation Trust	13	1,106,883	202,798	736,813	2,046,493
Cambridge University Hospitals NHS Foundation Trust	12	1,076,963	108,441	541,672	1,727,075
University Hospital Southampton NHS Foundation Trust	9	1,562,495	199,411	660,680	2,422,586
Nottingham University Hospitals NHS Trust	9	1,377,163	168,912	592,000	2,138,075
Grand Total	162	51,816,848	4,886,033	15,259,788	71,962,669

Table 3: Number of CNST Claims and Incidents received between financial years 2020/21 and 2023/24 where the Specialty is 'Obstetrics' for the Trusts listed

Notified	Y
scheme	CNST
Specialty1L1ARA	Obstetrics
Obstetrics Trusts	Y

Trust Name	No. of Claims
Manchester University NHS Foundation Trust	128
Nottingham University Hospitals NHS Trust	123
Birmingham Women's and Children's NHS Foundation Trust	75
King's College Hospital NHS Foundation Trust	69
University Hospitals Birmingham NHS Foundation Trust	67
Oxford University Hospitals NHS Foundation Trust	57
University Hospitals Coventry & Warwickshire NHS Trust	43
University Hospital Southampton NHS Foundation Trust	40
University College London Hospitals NHS Foundation Trust	39
Cambridge University Hospitals NHS Foundation Trust	18
Grand Total	659

Table 4: Number and Cost of CNST Claims Closed (or settled with a periodical payment order) between financial years 2020/21 and 2023/24 with a damages payment, where the Specialty is 'Obstetrics' for the Trusts listed 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.

ClosedSettled scheme	Y
Claim_Outcome	CNST
Specialty1L1ARA	Damages Paid
Obstetrics Trusts	Obstetrics
	Y

Trust Name	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Manchester University NHS Foundation Trust	71	59,247,557	2,710,770	7,651,714	69,610,041
Birmingham Women's and Children's NHS Foundation Trust	39	23,872,521	795,292	3,129,273	27,797,086
King's College Hospital NHS Foundation Trust	38	8,470,117	963,126	4,797,026	14,230,269
Nottingham University Hospitals NHS Trust	34	24,348,448	1,689,163	3,650,325	29,687,936
University Hospitals Birmingham NHS Foundation Trust	30	20,138,390	873,946	2,938,851	23,951,186
Oxford University Hospitals NHS Foundation Trust	24	26,673,500	740,325	2,693,000	30,106,825
University Hospital Southampton NHS Foundation Trust	23	18,040,805	735,563	2,724,834	21,501,201
University College London Hospitals NHS Foundation Trust	22	24,364,484	969,396	2,404,600	27,738,480
University Hospitals Coventry & Warwickshire NHS Trust	17	13,835,917	429,793	1,428,908	15,694,618
Cambridge University Hospitals NHS Foundation Trust	11	7,176,550	371,277	1,450,700	8,998,527
Grand Total	309	226,168,289	10,278,651	32,869,231	269,316,171