



Resolution

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January 2025

FOI_6925

The following information was requested on 28 December 2024:

Number of medical negligence cases brought against the Countess of Chester Hospital in respect of the neonatal service, paediatrics, and obstetrics, across the period 1994 to 2024, split up into those three disciplines. i.e. year by year figures for each of those departments please.

[On 30 December 2024 we sent the following e-mail]

Thank you for your request. We are now dealing with it.

Please note that we are able to provide information in financial years starting from 2006/07.

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

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.

(Please note: the Neonatology Specialty code was introduced in the 2020/21 financial year).

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 following specialties: Neonatology, Paediatrics, 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 '2006/07' and '2023/24' for Countess of Chester Hospital NHS Foundation Trust where the Specialty is 'Neonatology'.

Table 2 shows: - Number of Clinical Claims and Incidents received between financial years '2006/07' and '2023/24' for Countess of Chester Hospital NHS Foundation Trust where the Specialty is 'Paediatrics'.

Table 3 shows: - Number of Clinical Claims and Incidents received between financial years '2006/07' and '2023/24' for Countess of Chester Hospital NHS Foundation Trust where the Specialty is 'Obstetrics'.

Table 4 shows: - Number and Cost of Clinical Claims Closed between financial years '2006/07' and '2023/24' with a damages payment for Countess of Chester Hospital NHS Foundation Trust, where the Specialty is 'Neonatology'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

There were no claims closed during this period that fall within the above criteria.

Table 5 shows: - Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years '2006/07' and '2023/24' with a damages payment for Countess of Chester Hospital NHS Foundation Trust, where the Specialty is 'Paediatrics'. 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 6 shows: - Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years '2006/07' and '2023/24' with a damages payment for Countess of Chester Hospital NHS Foundation Trust, where the

Specialty is 'Obstetrics'. 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

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.

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 several [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.

Please refer to [Understanding NHS Resolution data](#) guidance for further details on how our Claims database is categorised.

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 '2006/07' and '2023/24' for Countess of Chester Hospital NHS Foundation Trust where the Specialty is 'Neonatology'.

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Table 6: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years '2006/07' and '2023/24' with a damages payment for Countess of Chester Hospital NHS Foundation Trust , where the Specialty is 'Obstetrics'. 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 Clinical Claims and Incidents received between financial years '2006/07' and '2023/24' for Countess of Chester Hospital NHS Foundation Trust where the Specialty is 'Neonatology'.

Notified	Y
Specialty1L1ARA	Neonatology

Year of Notification	No. of Claims
2023/24	18

Table 2: Number of Clinical Claims and Incidents received between financial years '2006/07' and '2023/24' for Countess of Chester Hospital NHS Foundation Trust where the Specialty is 'Paediatrics'.

Notified	Y
Specialty1L1ARA	Paediatrics

Year of Notification	No. of Claims
2006/07	#
2012/13	#
2013/14	#
2014/15	#
2015/16	#
2017/18	#
2020/21	#
2021/22	#
Grand Total	14

Table 3: Number of Clinical Claims and Incidents received between financial years '2006/07' and '2023/24' for Countess of Chester Hospital NHS Foundation Trust where the Specialty is 'Obstetrics'.

Notified	Y
Specialty1L1ARA	Obstetrics

Year of Notification	No. of Claims
2006/07	6
2007/08	#
2008/09	#
2009/10	#
2010/11	#
2011/12	#
2012/13	#
2013/14	#
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	82

Table 4: Number and Cost of Clinical Claims Closed between financial years '2006/07' and '2023/24' with a damages payment for Countess of Chester Hospital NHS Foundation Trust , where the Specialty is 'Neonatology'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

ClosedSettled	Y
Claim_Outcome	Damages Paid
Specialty1L1ARA	Neonatology

Year of Closure	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Grand Total	0	0	0	0	0

Table 5: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years '2006/07' and '2023/24' with a damages payment for Countess of Chester Hospital NHS Foundation Trust , where the Specialty is 'Paediatrics'. 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	Y
Claim_Outcome	Damages Paid
Specialty1L1ARA	Paediatrics

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2010/11	#	#	#	#	#
2015/16	#	#	#	#	#
2017/18	#	#	#	#	#
2019/20	#	#	#	#	#
Grand Total	6	8,801,072	347,500	683,102	9,831,673

Table 6: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years '2006/07' and '2023/24' with a damages payment for Countess of Chester Hospital NHS Foundation Trust , where the Specialty is 'Obstetrics'. 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	Y
Claim_Outcome	Damages Paid
Specialty1L1ARA	Obstetrics

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	5	2,031,355	104,710	202,508	2,338,573
2008/09	#	#	#	#	#
2011/12	5	436,500	65,392	259,250	761,142
2012/13	#	#	#	#	#
2013/14	#	#	#	#	#
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	52	40,417,929	1,458,553	4,588,076	46,464,558