



Resolution

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October 2025
FOI_7419

The following information was requested on 3 September and clarified on 5 September 2025:

[On 3 September 2025 you requested]

I am writing to request information under the Freedom of Information Act 2000. I would like to obtain the following information:

- *The number of cases in the United Kingdom where miscarried babies have been lost, discarded, or contaminated for the past five years.*
 - *The number of these cases sent to NHS resolution, the numbers of these cases which have undergone action by NHS resolution, the number of successful cases (where compensation is awarded)*
 - *A geographic/regional breakdown of these cases by trust and or hospital*
- *The amount of money in compensation claimed for these cases for the past five years.*
 - *The total amount and a list of each individual amount per case.*
 - *A geographic/regional breakdown of these cases by trust and or hospital*

Also, by United Kingdom, I mean Wales, England, and Northern Ireland as I have asked Scotland's National Services Scotland for an FOI.

[On 4 September 2025 we replied with]

Thank you for reaching out to NHS Resolution. Before we can respond I would like to clarify what information we hold.

We hold claims data for England, not the rest of the UK.

Please 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).

We don't have the codes for miscarried babies lost, discarded or contaminated.

Please, would you be able to review the codes for any cause or injury codes that may be the most relevant to your request? Please, could you also provide the timeframe you are interested in.

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

[On 5 September 2025 you replied with]

Thank you so much for this update, really appreciated.

Looking at those documents I am asking for guidance from the NHS resolution to find the best category.

Ideally the speciality would be Neonatal-perinatal medicine – as I do not think neonatology would apply.

The 'injury' relevant here would be miscarriage or would there be another category.

Cause could be 'operator error' but unsure about that one in particular – it is inappropriate handling of medical material also?

I will ring the press office later today to help find out as this issue is highly in the public interest.

Any advice or updates would be much appreciated.

The time frame for this inquiry is from August 2020 to now but I can expand this timeline too.

Our Response

We only hold claims data for England (our [schemes](#) only cover England), **not** the UK.

Although NHS Resolution may hold some information relating to claims such as what you have requested, due to the way claims are recorded on our claims database, we will not be able to identify such specific cases. It might be helpful to explain that when claims are notified to NHS Resolution they are categorised against pre-defined cause, injury and speciality codes. We do not have codes for: *perinatal medicine*, though we do not believe that the search you have suggested will elicit the information you are seeking given the nature of your ask, nor unfortunately are we able to suggest a way of identifying possibly relevant claims, which would not involve a manual review of all cases. Therefore, while there may be information held in our records, we are not readily able to identify the relevant files by searching the database. NHS Resolution receives thousands of claims each year.

Therefore, we estimate that the cost of complying with the request in its entirety would exceed the 'appropriate limit'. Section 12(1) of the FOIA is a provision which allows a public authority to refuse to comply with a request for information where the cost of compliance is estimated to exceed a set limit (known as the 'appropriate limit'). The 'appropriate limit' for NHS Resolution is £450. This equates to 18 hours of work at the rate of £25 per hour set out in the 'Fees Regulations'.

We estimate that it would take on average 10 minutes to locate, retrieve and extract the requested information from an individual file. It may therefore be the case that we would be able to examine only 108 files within 18 hours.

In addition, given the complexity of these cohort of claims and their litigation, it is possible for a single electronic or paper-based file to contain hundreds of documents in a variety of formats.

Please also note even if we were able to carry out a review of 108 random files, we may not be able to provide you with the level of detail you require owing to Data Protection grounds.

We would need to suppress low numbers or any information that could possibly lead to the identification of claimants, patients or individuals where disclosure would breach the General Data Protection Regulation.

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 [Joanne Appleby](#), Deputy 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
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