



Resolution

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October 2025

FOI_7398

The following information was requested on 20 August 2025:

Under the Freedom of Information Act 2000, please provide information for Frimley Health NHS Foundation Trust and its predecessor organisations (Frimley Park Hospital NHS Foundation Trust; Heatherwood & Wexham Park Hospitals NHS Foundation Trust) for 2010/11–2024/25 (inclusive).

Definition note: For scoping, “brain injury occurring during or soon after birth” follows the national definition in use by NNRD/DHSC (see last paragraph). Please use your nearest equivalent coding groupings and state inclusion criteria.

A) Clinical negligence claims alleging baby brain injury at/soon after birth

For each financial year, please provide:

- 1) Number of new claims notified;*
- 2) Number of claims closed, with outcomes (settled, resolved without payment, defended/closed);*
- 3) Damages paid and legal costs (claimant + defendant) for claims closed in that year (if available);*
- 4) If feasible, a category breakdown (e.g., HIE/encephalopathy, delay in delivery, resuscitation, escalation).*

B) Early Notification scheme (from 2017/18)

For each year:

- 1) Number of EN notifications relating to the above trust(s);*
- 2) Number accepted for investigation and number excluded, with reason categories if readily available;*
- 3) Any aggregate outcomes recorded at trust level (e.g., admissions of liability, early interim payments), if held.*

Please provide results in CSV or XLSX. If any part exceeds cost limits, please advise how to refine.

Definition used:

Throughout this pack, “brain injury occurring during or soon after birth” follows the national definition used by the National Neonatal Research Database (NNRD) / DHSC publications. It includes babies with moderate–severe hypoxic-ischaemic encephalopathy (HIE) or receiving therapeutic hypothermia; neonatal encephalopathy; intracranial haemorrhage; neonatal seizures; and other categories included in the national metric.

Our Response

Response to **Part A** of the request -

Please find attached the requested information we are able to provide.

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>.

For this request we have used our Supplementary Annual Statistics (SAS) dataset. For further information about our SAS dataset please see: [Annual statistics \(including Factsheet 5\) - NHS Resolution](#). Therefore, our response to this request may not align with other publications on our website.

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.

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 claims. For details about the schemes we operate, please refer to our website here: [Claims Management - NHS Resolution](#)

Please note that due to the nature of the request and the way our data is held, in some instances, there will be an overlap of cases between the data provided for Part A and B i.e. some EN cases will appear in tables 1- 6 and the same cases will also appear in the Part B responses.

Please find attached the following tables:

Where a financial year between 2010/11 – 2024/25 is not shown in the tables below it means that there were no claims that met the relevant criteria during that financial year.

Table 1 shows: - Number of Clinical Claims and Incidents received between financial years '2010/11' and '2024/25' for **Frimley Health NHS Foundation Trust** where the patient's date of birth is the same as the incident date, the Specialty is 'Neonatology' or 'Obstetrics' and the injury at any level is 'Brain Damage' or 'Cerebral Palsy'.

Table 2 shows: - Number of Clinical Claims and Incidents received between financial years '2010/11' and '2024/25' for **Frimley Health NHS Foundation Trust** where the patient's date of birth is the same as the incident date, the Specialty is 'Neonatology' or 'Obstetrics' and the injury at any level is 'Brain Damage' or 'Cerebral Palsy'. Broken down by Primary Cause.

Table 3 shows: - Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years '2010/11' and '2024/25' with a damages payment for **Frimley Health NHS Foundation Trust**, where the patient's date of birth is the same as the incident date, the Specialty is 'Neonatology' or 'Obstetrics' and the injury at any level is 'Brain Damage' or 'Cerebral Palsy'. The data includes the damages and legal costs paid up until 31 March 2025.

Table 4 shows: - Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years '2010/11' and '2024/25' with a damages payment for **Frimley Health NHS Foundation Trust**, where the patient's date of birth is the same as the incident date, the Specialty is 'Neonatology' or 'Obstetrics' and the injury at any level is 'Brain Damage' or 'Cerebral Palsy'. The data includes the damages and legal costs paid up until 31 March 2025. Broken down by Primary Cause.

Table 5 shows: - Number and Cost of Clinical Claims Closed between financial years '2010/11' and '2024/25' with **NIL** damages paid for **Frimley Health NHS Foundation Trust** where the patient's date of birth is the same as the incident date, the Specialty is 'Neonatology' or 'Obstetrics' and the injury at any level is 'Brain Damage' or 'Cerebral Palsy'.

Table 6 shows: - Number and Cost of Clinical Claims Closed between financial years '2010/11' and '2024/25' with **NIL** damages paid for **Frimley Health NHS Foundation Trust** where the patient's date of birth is the same as the incident date, the Specialty is 'Neonatology' or 'Obstetrics' and the injury at any level is 'Brain Damage' or 'Cerebral Palsy'. Broken down by Primary Cause.

PPOs

The attached data includes PPOs. 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 the payments as it relates to, costs paid up until the end of the financial year 2024/25.

Low Numbers

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 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 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.

Response to **Part B** of the request - Early Notification scheme

1. The number of incidents reported to NHR's Early Notification Scheme.

The total number of incidents reported into the Early Notification scheme by **Frimley Health NHS Foundation Trust** is 63 Some additional points to note:

- The Early Notification scheme (ENS) was introduced in 2017 to provide early liability investigations for families who require resolution and support after poor intrapartum outcomes, as well as sharing system learning for improvement nationally.
- Experience in the first three years of the scheme recognised that the initial reporting criteria into the ENS was very wide, capturing a large number of babies but lacked specificity for the core objectives of the scheme, particularly given that only a small number (estimated to be around 10%) have evidence of a confirmed brain injury. As a result, the reporting criteria were amended to focus on incidents where a hypoxic ischaemic brain injury was confirmed. Please see our website for further details, in particular the ENS second report ([NHS: The second report: The evolution of the Early Notification Scheme](#));

2. Of those incidents reported to NHR's Early Notification Scheme, the number which have met the scheme criteria.

The number of incidents which have met the scheme's initial criteria is 56.

3. Of those cases where the investigation has been completed, the number in which an admission of liability has been made?

We are unable to provide the total number of cases that have been admitted (i.e. both breach of duty and causation of injury) as the number is below 5. Please refer to our low numbers' refusal notice above for further explanation of the relevant FOI exemption that applies.

4. Of those cases in which it was determined that the care provided had fallen below a reasonable standard, the number in which any financial compensation has been provided (i.e. an interim award of damages or a final award).

Due to the fact that low numbers are involved (less than 5) we are unable to provide them due to data protection reasons. Please refer to our low numbers' refusal notice above for further explanation of the relevant FOI exemption that applies.

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
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 '2010/11' and '2024/25' for Frimley Health NHS Foundation Trust where the patient's date of birth is the same as the incident date, the Specialty is 'Neonatology' or 'Obstetrics' and the injury at any level is 'Brain Damage' or 'Cerebral Palsy'.

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Table 3: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years '2010/11' and '2024/25' with a damages payment for Frimley Health NHS Foundation Trust, where the patient's date of birth is the same as the incident date, the Specialty is 'Neonatology' or 'Obstetrics' and the injury at any level is 'Brain Damage' or 'Cerebral Palsy'. The data includes the damages and legal costs paid up until the end of 31 March 2025.

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Table 5: Number and Cost of Clinical Claims Closed between financial years '2010/11' and '2024/25' with NIL damages paid for Frimley Health NHS Foundation Trust where the patient's date of birth is the same as the incident date, the Specialty is 'Neonatology' or 'Obstetrics' and the injury at any level is 'Brain Damage' or 'Cerebral Palsy'.

Table 6: Number and Cost of Clinical Claims Closed between financial years '2010/11' and '2024/25' with NIL damages paid for Frimley Health NHS Foundation Trust where the patient's date of birth is the same as the incident date, the Specialty is 'Neonatology' or 'Obstetrics' and the injury at any level is 'Brain Damage' or 'Cerebral Palsy'. Broken down by Primary Cause.

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Notified	Y
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Year of Notification	No. of Claims
2010/11	#
2011/12	#
2012/13	#
2014/15	#
2015/16	#
2016/17	#
2017/18	#
2018/19	5
2019/20	#
2020/21	#
2021/22	#
2022/23	#
2023/24	#
2024/25	#
Grand Total	33

Table 2: Number of Clinical Claims and Incidents received between financial years '2010/11' and '2024/25' for Frimley Health NHS Foundation Trust where the patient's date of birth is the same as the incident date, the Specialty is 'Neonatology' or 'Obstetrics' and the injury at any level is 'Brain Damage' or 'Cerebral Palsy'. Broken down by Primary Cause.

Notified	Y
Primary Cause	No. of Claims
Fail To Make Resp To Abnrm FHR	5
Failure/Delay Diagnosis	5
Fail To Monitor 2nd Stg Labour	5
Fail / Delay Treatment	#
Delay In Performing Operation	#
Fail/Delay Admitting To Hosp.	#
Fail To Monitor 1st Stg Labour	#
Fail To Recog. Complication Of	#
Fail To Correctly Apply Forcep	#
Failure To Perform Operation	#
Fail/Delay Resus By Paediatric	#
Fail To Warn-Informed Consent	#
Grand Total	33

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ClosedSettled	Y
ClaimOutcome	Damages Paid

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2010/11	#	#	#	#	#
2011/12	#	#	#	#	#
2012/13	#	#	#	#	#
2013/14	#	#	#	#	#
2014/15	#	#	#	#	#
2015/16	#	#	#	#	#
2017/18	#	#	#	#	#
2018/19	#	#	#	#	#
2019/20	#	#	#	#	#
2020/21	#	#	#	#	#
2021/22	#	#	#	#	#
2022/23	#	#	#	#	#
2024/25	#	#	#	#	#
Grand Total	22	80,853,599	2,227,349	7,986,618	91,067,567

Table 4: Number and Cost of Clinical Claims Closed (or settled with a periodical payment order) between financial years '2010/11' and '2024/25' with a damages payment for Frimley Health NHS Foundation Trust, where the patient's date of birth is the same as the incident date, the Specialty is 'Neonatology' or 'Obstetrics' and the injury at any level is 'Brain Damage' or 'Cerebral Palsy'. The data includes the damages and legal costs paid up until the end of 31 March 2025. Broken down by Primary Cause.

ClosedSettled	Y
ClaimOutcome	Damages Paid

Primary Cause	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Fail To Monitor 2nd Stg Labour	6	10,093,632	515,987	1,776,300	12,385,920
Fail / Delay Treatment	5	21,198,822	399,014	1,651,322	23,249,158
Fail To Make Resp To Abnrm FHR	5	21,645,467	611,930	1,695,224	23,952,620
Fail/Delay Admitting To Hosp.	#	#	#	#	#
Failure/Delay Diagnosis	#	#	#	#	#
Fail/Delay Resus By Paediatric	#	#	#	#	#
Delay In Performing Operation	#	#	#	#	#
Fail Mon Dose/rate Syntocinon	#	#	#	#	#
Fail Antenatal Screening	#	#	#	#	#
Grand Total	22	80,853,599	2,227,349	7,986,618	91,067,567

Table 5: Number and Cost of Clinical Claims Closed between financial years '2010/11' and '2024/25' with NIL damages paid for Frimley Health NHS Foundation Trust where the patient's date of birth is the same as the incident date, the Specialty is 'Neonatology' or 'Obstetrics' and the injury at any level is 'Brain Damage' or 'Cerebral Palsy'.

ClosedSettled	Y
ClaimOutcome	Nil Damages

Year of Closure	No. of Claims	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2011/12	#	#	0	#
2016/17	#	#	0	#
2020/21	#	#	0	#
Grand Total	#	#	0	#

Table 6: Number and Cost of Clinical Claims Closed between financial years '2010/11' and '2024/25' with NIL damages paid for Frimley Health NHS Foundation Trust where the patient's date of birth is the same as the incident date, the Specialty is 'Neonatology' or 'Obstetrics' and the injury at any level is 'Brain Damage' or 'Cerebral Palsy'. Broken down by Primary Cause.

ClosedSettled	Y
ClaimOutcome	Nil Damages

Primary Cause	No. of Claims	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Fail To Make Resp To Abnrm FHR	#	#	0	#
Fail To Recog. Complication Of	#	#	0	#
Fail To Monitor 1st Stg Labour	#	#	0	#
Grand Total	#	#	0	#