NHS Resolution

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March 2026
FOI_7756

The following information was requested on 02 March 2026:

This is a follow up to [FOI_7711]

Looking at the breakdown by injury, you've listed baby loss, stillbirth and then there's fatality - please can you confirm whether that means maternal death?

You also requested:

The figures in this FOI don't match the amounts that appear on your website under Factbook 5 spreadsheets and I don't understand why?

Just as a comparison, these are the figures I get for total paid for obstetrics compensation on NHS Resolution's website for Oxford University Hospitals Trust:

24/25 - £16,689,318
23/24 - £12,353,094
22/23 - £16, 878,015
21/22 - £19,211,962 - interestingly the FOI doesn't give a total for that year
20/21 - £6,919,868

These aren't the same amounts detailed in the FOI, please can you explain why?

Our Response

Thank you for your request for information. Please find below our response to your request.

1. Definition of Fatality

Cases coded as fatality can include any cases where death is a consequence of alleged/proven negligence. Maternal death cases would fall under this category, but this category may also include baby deaths, depending on the circumstances of the case and how it has been coded.

2. Why FOI_7711 total-paid figures differ from those in the NHS Resolution Factsheet 5 spreadsheets

The figures in FOI_7711 and the amounts published in our **Factsheet 5** serve different purposes and are therefore **not directly comparable**:

a. Factsheet 5 shows payments made within each financial year.
Factsheet 5 only reports the **payments made during that financial year** (e.g., 2023/24), regardless of when the claim was first notified or finally closed.

- Some claims have payments spanning many financial years.
- Payments may have been made in multiple financial years e.g., 2020/21, 2021/22, etc. and Factsheet 5 shows only the portion paid **in the financial year listed**, not the full lifetime amount.

b. FOI_7711 shows the total paid up to the closure/settlement year
The FOI response provides the cumulative total damages and legal costs paid up to the point the claim was closed (or up to the settlement year for PPO cases).
This means the FOI figures include all historical payments, not just those made within one financial year.

Because the two publications measure different timeframes and concepts, their totals will not match.

(In addition, please note that the response to FOI_7711 included both Obstetrics and Neonatology claims data, whereas the figures quoted in your follow up query only include Obstetrics.)

3. Why no total-paid figure is shown for Oxford University Hospitals in 2021/22

A total-paid figure for **2021/22** was **not provided** because the number of claims in that year falls into a **low-numbers category** (fewer than 5). Please refer to our low numbers refusal notice below as also explained in FOI_7711.

Low figures
We have suppressed low numbers in FOI_7711, 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.

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 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:

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Water Lane
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