



NHS Resolution Early Notification Scheme

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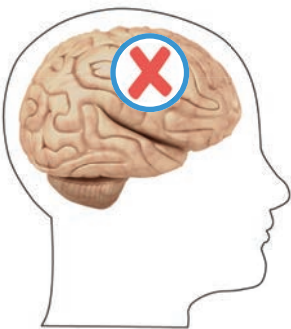
About us



We are NHS Resolution's Early Notification Team.



Our job is to look into cases where babies are born with a certain kind of **brain injury**.



A **brain injury** is when something happens that stops the brain from working well.



We look into what happened and why it happened.



Sometimes this kind of injury happens because the mother or baby's care is not at the level it should be.

This is called **clinical negligence**.



If the team finds out that clinical negligence happened, it will give the family some money called **compensation**.



The cases we look into

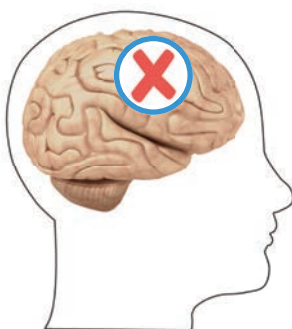
Hospitals have to tell us about babies with a brain injury if:



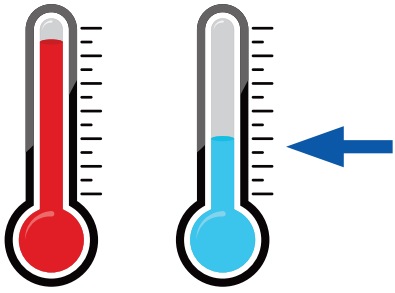
1. The brain injury was caused by a baby not getting enough **oxygen** when it was born.



We breathe in **oxygen** to make our bodies work. You cannot see oxygen. It is in the air around us.



If your brain does not get oxygen, that part of the brain can stop working.



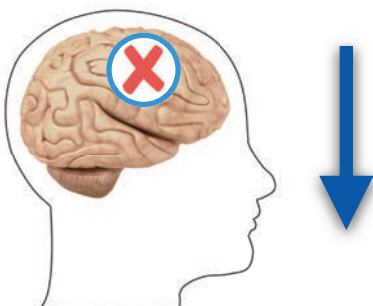
2. A baby was **therapeutically cooled**. This is when you make a baby colder.



You can put the baby on a special mattress and it makes the baby colder.



Or you can put a special hat on to make the baby colder.



This is done to try and lower the chance of a brain injury.



3. When a baby was born it:

- Had fits. Fits cause shaking or jerking.



- Had weak muscles. This means the muscles are softer and weaker, making them feel floppy.



- Did not make movements that babies usually make when they are born.

Things like not turning their head to find food or not sucking.

As well as baby having one of those things, it must also:



- Have been born naturally. This means you gave birth through your vagina

or



- Been born by **emergency caesarean section**.

A **caesarean section** is when a doctor does an operation to get the baby out of your tummy.



Emergency means it needed to happen straight away and was not planned.

If it did not happen straight away, you or your baby might be seriously harmed.



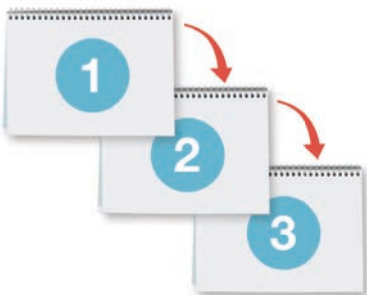
The baby must have been in the mother's tummy for 37 weeks before they were born.



Baby must have lived for 7 days or more.



If all of these things happen, your hospital will tell us about your case.

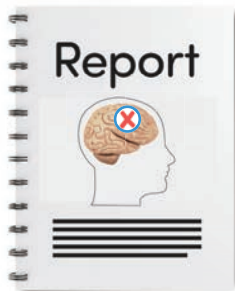


There are different steps we will take when we look at your case. This part of the leaflet tells you about the steps.

Step 1



The hospital Trust you gave birth at will send us your **Maternity and Newborn Safety Investigation report**.

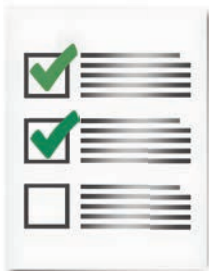


The report will say what happened around the time of your baby's birth that might have caused your baby a brain injury.



We will check information about your baby's brain scan. In the scan we are looking for a brain injury that happens during labour.

This is called **Intrapartum Hypoxic Ischaemic Encephalopathy**.



If we find this type of brain injury, we will go to step 2.



Step 1 will take up to 1 month.

Step 2



We will do a **review**. This is when we check what happened and what level of care you had.



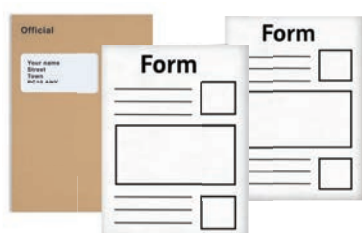
Then we will write to you. We will tell you what we have found out.



If we think the care you got might have caused your baby's brain injury, we will do a full **legal investigation**.



This means we will do some tests to see if the law says you got the right level of care.



If your baby was born on or after the 1st October 2023, we will send you 2 forms.

A graphic of a 'Permission' form. It has the title 'Permission' in blue. Below it are two checkboxes: 'Yes' and 'No'. A hand is shown writing 'J. Smith' in blue ink at the bottom. The 'No' checkbox is marked with a blue checkmark.

Form 1 asks for your **permission** to start a legal investigation.



Permission means you say yes to something or you want something to happen.



We will already be able to see medical records from where you gave birth.

A graphic of a 'Consent' form. It has the title 'Consent' in blue. Below it are two checkboxes: 'Yes' and 'No'. A hand is shown writing 'J. Smith' in blue ink at the bottom. The 'No' checkbox is marked with a blue checkmark.

Form 2 asks for your **consent** for us to see medical records from other places.



This will be places where you or your child may have been given care.



Consent means you agree that something can happen.



Medical records are notes that people like doctors, midwives and nurses keep about people's health.



The records are from places you or your baby got care, and not the place where you gave birth.



You can ask the hospital for your medical records too.

Speak to staff at the hospital and they can help you with this.

Step 3



When we have got your permission and consent we will contact you again.

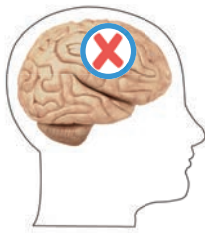


We will tell you what happens next.

Step 4



We will need to speak to other **medicolegal experts**.



Medicolegal experts are people like doctors and midwives who know a lot about giving birth, brain injury and the law.



They will look at all of the information we have.



The experts will tell us what they think about the care you got.



They will look at whether you got the right level of care at the right time.



And if the care was given differently, would your baby still have had a brain injury.



The experts use special legal tests to see if you should get compensation.



Then the experts will write a report and give it to us.



The law says we are not able to share the report from the experts or other legal papers with you.

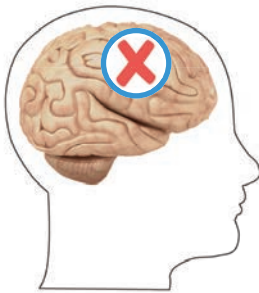
Step 5



We will listen to what the medicolegal experts say.



We might meet with them to talk about the care your baby had.



This will help us to decide if:

- The care you got caused your baby to have a brain injury

or



- The care you got was one of the reasons why your baby got a brain injury.



It will also help us to decide if you should get compensation.

Step 6



We will write a letter to you or your lawyer about what we have found out.

This is called an **outcome letter**.

It will say if:



- We did find that your baby's brain injury was caused by clinical negligence

or



- We did not find that your baby's brain injury was caused by clinical negligence.



If we do not find it was clinical negligence, then this is the last step.



Doing step 4 to 6 can take about 18 months.



Sometimes it might take longer than this. We will keep in touch and let you know how long things will take.

Agreeing to compensation



If you are told you will get compensation then the next thing is to decide how much you will get.



We will ask you to come to a meeting. If you have a lawyer it is a good idea if they come too.



If you do not have a lawyer, we can wait for you to find one.



The compensation is to help you give your child extra care and support they need because of their brain injury.



It can be hard to tell how much compensation you should get.



This is because your baby's needs may change as they grow.



It is not always clear how their brain injury will affect them later in life.



It may take a few years to decide the final amount of money they will get.



While you are waiting, we may give you some of the money to help.

Contact us



If you have any questions or want more information contact us.



Phone:

0207 811 6263



Email:

nhsr.enteam@nhs.net



There is more information about help and support you can get on our website:

Support for families or carers - NHS Resolution



This website is not in easy read.