



Resolution

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December 2019
FOI_4080

The following information was requested on 6 November 2019:

Can you please provide the following information on NHS Resolution's Early Notification Scheme:

- 1. Information and/ or publications which NHS Resolution provides to families whose baby meets the Early Notification criteria. Please include information and/ or publications provided to families throughout the entire length of the Early Notification process, and information and/ or publications which NHS Resolution asks Trusts to provide to families.*
- 2. The number of cases reported to the Early Notification Scheme in 2017/18 and 2018/19. If it is possible, please break down your response by NHS Trust.*
- 3. Of those cases reported to the Early Notification Scheme in 2017/18 and 2018/19, the number which (i) qualified for the Scheme (ii) did not qualify for the Scheme. If possible, please break down your response by NHS Trust.*

Can you also please respond to the following questions relating to NHS Resolution's Early Notification Scheme:

- 4. Who are the Early Notification case managers responsible for the initial triage of cases reported to the Early Notification team? (e.g. if in-house, what are the job titles of the people carrying out this work? If outsourced, which firms provide these case managers)*
- 5. Who are the clinical advisors who review cases reported to the Early Notification team, assess whether care was substandard and determine the risk of liability? (e.g. if in-house, what are the job titles of the people carrying out this work? If outsourced, which organisations provide these clinical advisors)*

Our Response

1. Sample wording from the acknowledgment letter below:

Guidance for families

We encourage you to be open with patients about our involvement. The following is a guide for discussion and for inclusion in written correspondence with the family. It is extremely important that this is tailored to the particular circumstances of the family:

We appreciate that this must be an emotional and difficult time. You will not only be adjusting to life with a new baby but also coming to terms with a difficult birth and

understanding what this will mean for you and your family, including any long term consequences. You will have been in contact with many different professionals, having to take in a great deal of information which can be overwhelming.

It is vital that the right investigation process is put in place at an early stage. We are starting our own investigation process to try and find out what happened during your birth and why. Alongside this we will also be working with NHS Resolution to try and fully understand what happened so that we can provide you with an explanation and, wherever necessary, take steps to try and ensure that a similar incident does not happen again. This is known as the “Early Notification” process.

NHS Resolution is an organisation within the NHS. It provides indemnity cover (similar to insurance) to hospitals, to provide compensation to patients and families where it is found that things have gone wrong that subsequently led to harm. They also have an important role in making sure that any learning from investigations happens quickly and is shared across the NHS to continue to make healthcare safe. For a small number of babies, different care during pregnancy, birth or in the early postnatal days would have prevented them from being unwell. In those cases NHS Resolution can provide financial support where needed.

*In order to comply with the requirements of the Early Notification process, NHS Resolution will need to access copies of yours and **[insert baby name]** medical records and any other relevant documentation. Your records will be handled sensitively and securely, and any learning from the Early Notification process will be shared on an anonymised basis. To learn more about how NHS Resolution will use this information, please see their privacy notice at <https://resolution.nhs.uk/privacy-cookies/claims-management/>.*

If you would like to know more about the Early Notification process, please visit NHS Resolution’s website <https://resolution.nhs.uk/> or contact the team directly at ENTeam@resolution.nhs.uk.

2. And Q3 - Please see the attached. 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(3)(a)(i) 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 (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.

4. Initial triage is performed by Early Notification Case Managers.
5. Clinical review is performed by the Head of Early Notification (Clinical) and National Obstetric Clinical Fellows.

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](#), Head of Corporate and Information Governance 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

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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 Early Notifications \(EN\) Incidents occurring between financial years 2017/18 and 2018/19 broken down by Non-EN and EN Cases](#)

[Table 2: Number of Early Notification \(EN\) Incidents between financial years 2017/18 and 2018/19 broken down by Member](#)

Table 1: Number of Early Notifications (EN) Incidents occurring between financial years 2017/18 and 2018/19 broken down by Non-EN and EN Cases

FiscalYear	Non-qualifying EN cases	Qualifying EN cases	Total Early Notification Incidents
2017/18	80	740	820
2018/19	46	821	867

Table 2: Number of Early Notification (EN) Incidents between financial years 2017/18 and 2018/19 broken down by Member

Members by Notification Year	No. Of Early Notification Incidents
2017/18 Total	820
Members with less than 5 Incidents (50 Members)	124
Barking, Havering and Redbridge University Hospitals NHS Trust	10
Barts Health NHS Trust	22
Basildon and Thurrock University Hospitals NHS Foundation Trust	6
Bedford Hospital NHS Trust	5
Birmingham Women's and Children's NHS Foundation Trust	14
Bolton Hospitals NHS Foundation Trust	6
Bradford Teaching Hospitals NHS Foundation Trust	7
Brighton & Sussex University Hospitals NHS Trust	11
Cambridge University Hospitals NHS Foundation Trust	6
Chelsea & Westminster Hospital NHS Foundation Trust	21
Croydon Health Services NHS Trust	14
Dartford and Gravesham NHS Trust	5
Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust	5
Dudley Group NHS Foundation Trust (The)	5
East Kent Hospitals University NHS Foundation Trust	13
East Lancashire Hospitals NHS Trust	10
East Suffolk North Essex NHS Foundation Trust	9
East Sussex Healthcare NHS Trust	8
Frimley Health NHS Foundation Trust	12
Gloucestershire Hospitals NHS Foundation Trust	7
Great Western Hospitals NHS Foundation Trust	9
Guy's and St Thomas' NHS Foundation Trust	8
Hillingdon Hospitals NHS Foundation Trust (The)	5
Homerton University Hospital NHS Foundation Trust	13
Hull University Teaching Hospitals NHS Trust	7
Imperial College Healthcare NHS Trust	16
King's College Hospital NHS Foundation Trust	28
Kingston Hospital NHS Trust	5
Lancashire Teaching Hospitals NHS Foundation Trust	5
Lewisham & Greenwich NHS Trust	6
Liverpool Women's Hospital NHS Foundation Trust	15
London North West University Healthcare NHS Trust	5
Luton and Dunstable University Hospital NHS Foundation Trust	5
Maidstone and Tunbridge Wells NHS Trust	10
Manchester University NHS Foundation Trust	15
Mid Essex Hospital Services NHS Trust	8
Mid Yorkshire Hospitals NHS Trust (The)	5
Newcastle Upon Tyne Hospitals NHS Foundation Trust (The)	6
Norfolk & Norwich University Hospitals NHS Foundation Trust	10
North Bristol NHS Trust	12
North Middlesex University Hospital NHS Trust	10
North Tees & Hartlepool NHS Foundation Trust	6
North West Anglia NHS Foundation Trust	9
Northampton General Hospital NHS Trust	6
Nottingham University Hospitals NHS Trust	16
Oxford University Hospitals NHS Foundation Trust	5
Pennine Acute Hospitals NHS Trust (The)	8
Poole Hospital NHS Foundation Trust	6
Portsmouth Hospitals NHS Trust	6
Royal Berkshire NHS Foundation Trust	8
Royal Cornwall Hospitals NHS Trust	16
Royal Free London NHS Foundation Trust	24
Royal United Hospitals Bath NHS Foundation Trust	11
Royal Wolverhampton NHS Trust (The)	9
Sheffield Teaching Hospitals NHS Foundation Trust	10
South Tees Hospitals NHS Foundation Trust	5
St Helens and Knowsley Teaching Hospitals NHS Trust	9
Surrey and Sussex Healthcare NHS Trust	5
Taunton and Somerset NHS Foundation Trust	7
The Leeds Teaching Hospitals NHS Trust	16
Torbay & South Devon NHS Foundation Trust	5
United Lincolnshire Hospitals NHS Trust	5
University College London Hospitals NHS Foundation Trust	12
University Hospital Southampton NHS Foundation Trust	5
University Hospitals Birmingham NHS Foundation Trust	7
University Hospitals Bristol NHS Foundation Trust	14
University Hospitals Coventry & Warwickshire NHS Trust	7
University Hospitals of Derby and Burton NHS Foundation Trust	6

Table 2: Number of Early Notification (EN) Incidents between financial years 2017/18 and 2018/19 broken down by Member

Members by Notification Year	No. Of Early Notification Incidents
University Hospitals of Leicester NHS Trust	13
University Hospitals of North Midlands NHS Trust	5
University Plymouth Hospitals NHS Trust	8
Whittington Health NHS Trust	7
Wirral University Teaching Hospital NHS Foundation Trust	7
Worcestershire Acute Hospitals NHS Trust	7
York Teaching Hospital NHS Foundation Trust	7
2018/19	867
Members with less than 5 incidents (50 Members)	131
Barking, Havering and Redbridge University Hospitals NHS Trust	14
Barts Health NHS Trust	19
Basildon and Thurrock University Hospitals NHS Foundation Trust	8
Birmingham Women's and Children's NHS Foundation Trust	14
Bolton Hospitals NHS Foundation Trust	7
Bradford Teaching Hospitals NHS Foundation Trust	13
Brighton & Sussex University Hospitals NHS Trust	8
Calderdale & Huddersfield NHS Foundation Trust	9
Chelsea & Westminster Hospital NHS Foundation Trust	16
Dartford and Gravesham NHS Trust	7
Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust	6
East and North Hertfordshire NHS Trust	12
East Kent Hospitals University NHS Foundation Trust	16
East Lancashire Hospitals NHS Trust	16
East Suffolk North Essex NHS Foundation Trust	7
East Sussex Healthcare NHS Trust	5
Frimley Health NHS Foundation Trust	18
Gloucestershire Hospitals NHS Foundation Trust	7
Great Western Hospitals NHS Foundation Trust	11
Guy's and St Thomas' NHS Foundation Trust	7
Hampshire Hospitals NHS Foundation Trust	6
Hillingdon Hospitals NHS Foundation Trust (The)	10
Homerton University Hospital NHS Foundation Trust	19
Hull University Teaching Hospitals NHS Trust	6
Imperial College Healthcare NHS Trust	16
Kettering General Hospital NHS Foundation Trust	6
King's College Hospital NHS Foundation Trust	26
Kingston Hospital NHS Trust	5
Lancashire Teaching Hospitals NHS Foundation Trust	10
Lewisham & Greenwich NHS Trust	7
Liverpool Women's Hospital NHS Foundation Trust	14
London North West University Healthcare NHS Trust	8
Maidstone and Tunbridge Wells NHS Trust	19
Manchester University NHS Foundation Trust	10
Medway NHS Foundation Trust	8
Mid Yorkshire Hospitals NHS Trust (The)	6
Newcastle Upon Tyne Hospitals NHS Foundation Trust (The)	6
Norfolk & Norwich University Hospitals NHS Foundation Trust	9
North Bristol NHS Trust	11
North Middlesex University Hospital NHS Trust	9
North West Anglia NHS Foundation Trust	12
Nottingham University Hospitals NHS Trust	13
Oxford University Hospitals NHS Foundation Trust	14
Pennine Acute Hospitals NHS Trust (The)	9
Portsmouth Hospitals NHS Trust	8
Princess Alexandra Hospital NHS Trust (The)	5
Royal Cornwall Hospitals NHS Trust	10
Royal Devon and Exeter NHS Foundation Trust	5
Royal Free London NHS Foundation Trust	10
Royal United Hospitals Bath NHS Foundation Trust	8
Royal Wolverhampton NHS Trust (The)	9
Sandwell & West Birmingham Hospitals NHS Trust	10
Sheffield Teaching Hospitals NHS Foundation Trust	11
Shrewsbury and Telford Hospital NHS Trust	5
South Tyneside and Sunderland NHS Foundation Trust	7
St Helens and Knowsley Teaching Hospitals NHS Trust	5
Surrey and Sussex Healthcare NHS Trust	9
Taunton and Somerset NHS Foundation Trust	9
The Leeds Teaching Hospitals NHS Trust	16
United Lincolnshire Hospitals NHS Trust	5
University College London Hospitals NHS Foundation Trust	14

Table 2: Number of Early Notification (EN) Incidents between financial years 2017/18 and 2018/19 broken down by Member

Members by Notification Year	No. Of Early Notification Incidents
University Hospital Southampton NHS Foundation Trust	11
University Hospitals Birmingham NHS Foundation Trust	7
University Hospitals Bristol NHS Foundation Trust	16
University Hospitals of Derby and Burton NHS Foundation Trust	11
University Hospitals of Leicester NHS Trust	13
University Plymouth Hospitals NHS Trust	11
Walsall Healthcare NHS Trust	7
Warrington and Halton Hospitals NHS Foundation Trust	5
West Hertfordshire Hospitals NHS Trust	9
Western Sussex Hospitals NHS Trust	9
Whittington Health NHS Trust	5
Wirral University Teaching Hospital NHS Foundation Trust	7
Grand Total	1687