



## Resolution

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151 Buckingham Palace Road  
London  
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**Telephone:** 020 7811 2700

February 2019  
FOI\_4202

The following information was requested on 8 January 2020:

*Please could you provide total damages paid in 2019/18 (if available), 2018/17, 2017/16, 2016/15, and 2015/14 paid for injuries caused by any one or more of the following:*

*Perineal Tear-1st,2nd,3rd Deg  
Repeat Attempt Forcep/Ventouse  
Inapp Use Of Forceps/Ventouse  
Forceps Delivery*

### **Our Response**

Please find attached the requested information.

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 Freedom of Information 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.

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 [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 and Cost of Claims Closed/Settled with damages paid between financial years 2014/15 and 2018/19, for claims where the cause includes 'Perineal Tear-1st,2nd,3rd Deg', 'Repeat Attempt Forcep/Ventouse', 'Inapp Use Of Forceps/Ventouse' or 'Forceps Delivery'

Table 2: Analysis of Primary Causes for Claims Closed/Settled with damages paid between financial years 2014/15 and 2018/19, for claims where the cause includes 'Perineal Tear-1st,2nd,3rd Deg', 'Repeat Attempt Forcep/Ventouse', 'Inapp Use Of Forceps/Ventouse' or 'Forceps Delivery'

**Table 1: Number and Cost of Claims Closed/Settled with damages paid between financial years 2014/15 and 2018/19, for claims where the cause includes 'Perineal Tear-1st,2nd,3rd Deg', 'Repeat Attempt Forcep/Ventouse', 'Inapp Use Of Forceps/Ventouse' or 'Forceps Delivery'**

Closed_Settled	Y
Clinical_NonClinical	Clinical
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2014/15	42	10,226,253	728,891	3,923,239	14,878,384
2015/16	26	4,172,358	569,943	2,600,000	7,342,301
2016/17	46	19,909,106	1,764,920	6,276,722	27,950,748
2017/18	54	23,839,513	1,688,685	6,448,714	31,976,912
2018/19	49	16,517,384	1,364,491	5,346,321	23,228,196
<b>Grand Total</b>	<b>217</b>	<b>74,664,614</b>	<b>6,116,931</b>	<b>24,594,996</b>	<b>105,376,541</b>

**Table 2: Analysis of Primary Causes for Claims Closed/Settled with damages paid between financial years 2014/15 and 2018/19, for claims where the cause includes 'Perineal Tear-1st,2nd,3rd Deg', 'Repeat Attempt Forcep/Ventouse', 'Inapp Use Of Forceps/Ventouse' or 'Forceps Delivery'**

Closed_Settled	Y
Clinical_NonClinical	(All)
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs) ----- Primary Causes	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
<b>2014/15</b>	<b>42</b>	<b>10,226,253</b>	<b>728,891</b>	<b>3,923,239</b>	<b>14,878,384</b>
Fail / Delay Treatment	#	#	#	#	#
Failure To Perform Operation	#	#	#	#	#
Perineal Tear-1st,2nd,3rd Deg	29	2,573,153	342,389	2,103,028	5,018,571
Forceps Delivery	#	#	#	#	#
Inapp Use Of Forceps/Ventouse	6	4,186,269	209,021	790,011	5,185,300
Fail/Delay Avail Op Thtre	#	#	#	#	#
Labial Tear	#	#	#	#	#
<b>2015/16</b>	<b>26</b>	<b>4,172,358</b>	<b>569,943</b>	<b>2,600,000</b>	<b>7,342,301</b>
Perineal Tear-1st,2nd,3rd Deg	12	824,030	187,034	985,400	1,996,464
Fail To Make Resp To Abnrm FHR	#	#	#	#	#
Forceps Delivery	#	#	#	#	#
Inapp Use Of Forceps/Ventouse	8	3,229,461	330,885	1,309,850	4,870,195
Labial Tear	#	#	#	#	#
<b>2016/17</b>	<b>46</b>	<b>19,909,106</b>	<b>1,764,920</b>	<b>6,276,722</b>	<b>27,950,748</b>
Fail / Delay Treatment	#	#	#	#	#
Fail To Recog. Complication Of	#	#	#	#	#
Failure/Delay Diagnosis	#	#	#	#	#
Perineal Tear-1st,2nd,3rd Deg	18	2,371,317	539,892	2,384,078	5,295,286
Fail To Make Resp To Abnrm FHR	#	#	#	#	#
Fail To Monitor 2nd Stg Labour	#	#	#	#	#
Birth Defects	#	#	#	#	#
Forceps Delivery	11	5,942,063	333,626	1,329,500	7,605,189
Inapp Use Of Forceps/Ventouse	9	6,758,586	444,787	1,219,750	8,423,123
<b>2017/18</b>	<b>54</b>	<b>23,839,513</b>	<b>1,688,685</b>	<b>6,448,714</b>	<b>31,976,912</b>
Fail / Delay Treatment	#	#	#	#	#
Fail To Recog. Complication Of	#	#	#	#	#
Inappropriate Treatment	#	#	#	#	#
Operator Error	#	#	#	#	#
Perineal Tear-1st,2nd,3rd Deg	20	3,142,751	370,800	1,958,567	5,472,118
Repeat Attempt Forcep/Ventouse	5	3,006,956	220,154	1,031,254	4,258,363
Fail To Monitor 2nd Stg Labour	#	#	#	#	#
Fail Mon Dose/rate Syntocinon	#	#	#	#	#
Forceps Delivery	6	790,250	72,701	515,122	1,378,074
Fail To Correctly Apply Forcep	#	#	#	#	#
Inapp Use Of Forceps/Ventouse	14	9,015,974	744,995	2,005,756	11,766,725
<b>2018/19</b>	<b>49</b>	<b>16,517,384</b>	<b>1,364,491</b>	<b>5,346,321</b>	<b>23,228,196</b>
Fail / Delay Treatment	#	#	#	#	#
Fail To Recog. Complication Of	#	#	#	#	#
Fail To Warn-Informed Consent	#	#	#	#	#
Failure/Delay Diagnosis	#	#	#	#	#
Operator Error	#	#	#	#	#
Perineal Tear-1st,2nd,3rd Deg	23	6,384,847	607,381	2,622,725	9,614,953
Repeat Attempt Forcep/Ventouse	#	#	#	#	#
Fail Antenatal Screening	#	#	#	#	#
Forceps Delivery	8	3,218,500	231,398	798,809	4,248,707
Inapp Use Of Forceps/Ventouse	7	5,467,713	223,316	710,500	6,401,529
<b>Grand Total</b>	<b>217</b>	<b>74,664,614</b>	<b>6,116,931</b>	<b>24,594,996</b>	<b>105,376,541</b>