



Resolution

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June 2020
FOI 4384

The following information was requested on 24 February 2020:

All questions relate to obstetrics care at the East Kent Hospitals University NHS Foundation Trust.

For the period 1 January 2004 to 31 December 2011, can you tell me how many of the following cases were settled on the trust's behalf:

- *death of a baby*
- *Death of a mother*
- *Injury caused to a child*
- *Injury caused to a mother*

For the period 1 January 2012 to 31 December 2019, can you tell me how many of the following cases were settled on the trust's behalf:

- *death of a baby*
- *Death of a mother*
- *Injury caused to a child*
- *Injury caused to a mother*

Our Response

Please note due to the way claims are recorded on our claims database, we will not be able to extract data that distinguishes between a baby, child or mother, therefore we have classified a baby as being age 0 at the time of the incident, a mother as being age 18+, and a child as being age 0-17. Inevitably, there is a risk of overlap e.g. a mother may be younger than 18 and therefore classified in this dataset as a child, but without interrogating each individual case files we cannot be certain.

Please also note we are currently unable to provide the information for the period 19/20 or for the calendar year 2019 as our annual account and reports for this period is subject to auditing and verification which means data for this period will not be ready until the end of July 2020. We have provided you with the data for the following periods: 1/1/2004 – 31/12/2018. We hope this is satisfactory.

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 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. 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

<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 Claims for East Kent Hospitals University NHS FT under the specialty Obstetrics Closed/Settled with damages paid between calendar years 2004 - 2018.

Please Note: We have no means to extract data that distinguishes between a baby, child or mother, therefore we have classified a baby as being age 0 at the time of the incident, a mother as being age 18+, and a child as being age 0-17. Inevitably, there is a risk of overlap e.g. a mother may be younger than 18 and therefore classified in this dataset as a child, but we cannot otherwise distinguish.

Table 1: Number of Claims for East Kent Hospitals University NHS FT under the specialty Obstetrics Closed/Settled with damages paid between calendar years 2004 - 2018.

Please Note: We have no means to extract data that distinguishes between a baby, child or mother, therefore we have classified a baby as being age 0 at the time of the incident, a mother as being age 18+, and a child as being age 0-17.

Inevitably, there is a risk of overlap e.g. a mother may be younger than 18 and therefore classified in this dataset as a child, but we cannot otherwise distinguish.

| | |
|----------------------|------------|
| Closed_Settled | Y |
| Claim_Outcome | Successful |
| Clinical_NonClinical | (All) |

| No. of Claims Calendar Year | Age | | Any Injury 0-17yrs | Any Injury 18+ | DOB Unknown | Grand Total |
|--------------------------------|---------------|-----------------|--------------------|----------------|-------------|-------------|
| | Fatality 0yrs | Fatality 18+yrs | | | | |
| 2004 | 0 | 0 | 0 | # | # | # |
| 2005 | # | 0 | # | # | 0 | 5 |
| 2006 | 0 | # | # | # | 0 | 6 |
| 2007 | 0 | 0 | # | 5 | 0 | # |
| 2008 | 0 | 0 | # | 6 | # | # |
| 2009 | 0 | 0 | # | 6 | 0 | # |
| 2010 | 0 | # | # | 10 | 0 | # |
| 2011 | 0 | 0 | # | 6 | 0 | # |
| 2012 | # | 0 | # | # | 0 | 7 |
| 2013 | 0 | 0 | 0 | 13 | 0 | 13 |
| 2014 | 0 | 0 | # | 6 | 0 | # |
| 2015 | 0 | 0 | # | # | 0 | 5 |
| 2016 | 0 | 0 | # | 5 | 0 | # |
| 2017 | 0 | 0 | 0 | # | 0 | # |
| Grand Total | # | # | 14 | 77 | # | 97 |