



Resolution

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August 2020
FOI_4679

The following information was requested on 13 July 2020:

Over the past decade

1. *Total value of the claims in Obstetrics*
2. *Total Value of the claims in Gynaecology*
3. *Causes of litigation in Obstetrics (by frequency and size of pay-out)*
4. *Causes of litigation in Gynaecology (by frequency and size of pay out)*
5. *The extent of outstanding pay-outs*
6. *Average time from claim to pay out*
7. *Any situations where pay-outs will not be entertained.*
8. *Pay-outs in O and G as a percentage of all claims with NHS Resolution.*

Our Response

Please find attached the requested information which relates to closed claims. This will be different to what is published in our Annual Reports and Accounts which covers the value of claims received. Please see the published Annual Reports and Accounts [here](#).

Please note we are unable to provide you with a breakdown of individual claims (e.g. situations where pay-outs will not be entertained) and 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.

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.

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 a number of [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.

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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Table 1: Number and Cost of Claims Closed/Settled with damages paid for Obstetrics between financial years 2010/11 to 2019/2020

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2010/11	651	384,057,055	18,650,236	50,531,373	453,238,664
2011/12	682	475,535,456	20,428,231	62,107,658	558,071,346
2012/13	701	411,999,178	18,812,694	61,965,856	492,777,728
2013/14	647	387,028,167	16,788,941	59,470,379	463,287,488
2014/15	681	320,551,356	18,647,451	71,354,313	410,553,119
2015/16	603	306,215,076	17,894,739	69,767,224	393,877,039
2016/17	718	390,201,398	22,100,652	80,470,017	492,772,067
2017/18	739	532,314,645	23,656,827	89,211,173	645,182,645
2018/19	722	692,237,060	28,554,662	98,169,545	818,961,266
2019/20	781	553,228,375	24,345,513	79,623,061	657,196,949
Grand Total	6,925	4,453,367,765	209,879,945	722,670,598	5,385,918,309

Table 2: Number and Cost of Claims Closed/Settled with damages paid for Gynaecology between financial years 2010/11 to 2019/2020

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2010/11	262	14,679,384	2,304,567	9,026,073	26,010,024
2011/12	199	13,730,482	1,693,969	8,401,945	23,826,396
2012/13	219	15,345,102	1,779,408	8,528,138	25,652,648
2013/14	292	12,739,049	1,714,253	9,551,682	24,004,983
2014/15	345	14,415,211	1,800,317	11,122,647	27,338,174
2015/16	349	25,151,800	2,965,325	16,761,936	44,879,061
2016/17	413	20,454,624	3,860,951	19,665,288	43,980,862
2017/18	487	31,027,521	4,676,932	20,812,741	56,517,195
2018/19	398	30,632,356	4,610,606	18,574,862	53,817,824
2019/20	433	28,800,662	4,356,763	18,944,663	52,102,088
Grand Total	3,397	206,976,191	29,763,091	141,389,973	378,129,256

Table 3: Analysis of Primary Causes for Claims Closed/Settled with damages paid for Obstetrics between financial years 2010/11 to 2019/2020

Closed_Settled	Y
Claim_Outcome_FOI	Damages Paid
Speciality1L1	Obstetrics

----- Primary Causes	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Injured By Another Patient	#	#	#	#	#
Fail/Delay Avail Of SCBU Beds	#	#	#	#	#
Incorrect Injection Site	#	#	#	#	#
Failure To Interpret X-Ray	#	#	#	#	#
InhospMaternalDeathPostPartumHaemorrCS	#	#	#	#	#
Not Specified	#	#	#	#	#
Wrong Site Surgery	#	#	#	#	#
Problem Blood Fluids	#	#	#	#	#
Removal & Retention Of Organs	#	#	#	#	#
Failed Infection Control Policy/Hospital Hygiene	#	#	#	#	#
Fail/Delay Obtain Cord PH	#	#	#	#	#
Burns/Scalds	#	#	#	#	#
Re-Canalisation	#	#	#	#	#
Premature Ceasure Of Treatment	#	#	#	#	#
Assault, Etc By Hospital Staff	#	#	#	#	#
Failure To X-Ray	#	#	#	#	#
Intubation Problems	#	#	#	#	#
Fail / Delay Treatment	1,174	490,526,971	23,126,809	91,103,577	604,757,357
Failure/Delay Diagnosis	601	149,734,370	11,581,609	46,962,838	208,278,817
Fail To Make Resp To Abnrm FHR	556	1,160,898,337	43,033,462	126,191,849	1,330,123,648
Fail To Monitor 2nd Stg Labour	535	750,178,255	30,849,847	98,516,690	879,544,793
Fail To Recog. Complication Of	513	327,367,207	16,239,919	56,261,939	399,869,066
Inappropriate Treatment	265	34,951,521	3,253,119	14,918,381	53,123,022
Foreign Body Left In Situ	263	5,177,114	607,855	3,746,830	9,531,799
Fail To Monitor 1st Stg Labour	260	313,745,041	13,143,644	40,998,114	367,886,798
Intra-Op Problems	247	42,834,906	3,084,778	14,394,660	60,314,344
Fail Antenatal Screening	208	109,694,868	5,257,021	20,922,151	135,874,040
Inadequate Nursing Care	173	32,220,727	1,818,093	7,542,673	41,581,494
Perineal Tear-1st,2nd,3rd Deg	162	23,119,131	2,874,923	13,714,439	39,708,493
Application Of Excess Force	162	60,828,538	6,693,737	16,718,113	84,240,389
Delay In Performing Operation	147	139,714,163	5,907,400	20,606,549	166,228,112
Fail To Act On Abnorm Test Res	146	68,127,222	3,303,851	12,906,670	84,337,743
Operator Error	141	14,177,089	1,338,678	5,817,383	21,333,149
Fail To Warn-Informed Consent	97	30,592,086	1,913,079	7,523,869	40,029,034
Inapp Use Of Forceps/Ventouse	79	52,914,531	3,419,684	10,445,589	66,779,804
Birth Defects	67	141,378,590	5,610,416	16,202,795	163,191,801
Failure To Perform Tests	64	40,488,484	1,467,954	5,108,875	47,065,313
Lack Of Assistance/Care	58	14,660,748	1,227,392	5,254,751	21,142,891
Fail/Delay Admitting To Hosp.	57	32,082,205	1,502,626	4,776,345	38,361,176
Medication Errors	57	13,300,015	721,378	3,518,807	17,540,200
Forceps Delivery	53	19,508,014	1,388,453	5,429,131	26,325,598
Failure To Perform Operation	50	21,466,283	1,489,014	5,405,159	28,360,457
Fail To Diag Pre-Eclampsia	48	36,103,110	1,781,994	5,975,948	43,861,053
Fail To Interpret USS	45	25,897,853	1,138,724	4,172,390	31,208,968
Failed Sterilisation	42	858,480	169,567	797,858	1,825,905
Err With Agnt/Dose/Route/Selec	42	5,189,867	425,758	2,051,694	7,667,319
Fail To Correctly Apply Forcep	39	21,295,334	1,157,578	4,444,291	26,897,203
Fail Mon Dose/rate Syntocinon	38	50,096,837	2,232,903	6,441,247	58,770,987
Other	35	4,018,296	503,935	1,403,591	5,925,822
Fail To Carry Out PO Observs.	33	19,994,465	972,267	3,482,007	24,448,738
Inappropriate Discharge	30	11,155,906	614,069	2,149,988	13,919,962
Labial Tear	30	1,485,402	257,945	1,751,633	3,494,979
Retained Instrument Post-Operation	30	627,075	63,229	508,466	1,198,770
Bacterial Infection	29	26,139,420	1,076,368	4,230,637	31,446,426
Fail To Supervise	29	9,965,633	443,733	1,615,644	12,025,009
Fail/Delay Referring To Hosp.	29	18,791,133	816,411	3,198,020	22,805,564

Table 3: Analysis of Primary Causes for Claims Closed/Settled with damages paid for Obstetrics between financial years 2010/11 to 2019/2020

Closed_Settled	Y
Claim_Outcome_FOI	Damages Paid
Speciality1L1	Obstetrics

----- Primary Causes	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Wrong Diagnosis	28	3,638,832	265,451	1,341,928	5,246,210
Fail To Follow-Up Arrangements	27	12,573,519	557,676	1,994,656	15,125,850
Inadequate Monitoring Intra-Op	25	970,296	316,914	998,971	2,286,180
Diathermy Burns/react. To Prep	23	250,660	64,734	410,856	726,250
Unexpected Death	21	3,805,798	293,589	2,055,824	6,155,211
Equipment Malfunction	19	3,671,616	367,527	1,320,039	5,359,182
Perform. Of Op. Not Indicated	14	3,543,000	193,496	683,821	4,420,317
Infusion Problems	14	5,632,946	257,969	890,628	6,781,542
Fail/Delay Resus By Paediatric	12	25,176,458	1,514,267	3,804,555	30,495,280
Repeat Attempt Forcep/Ventouse	11	5,812,483	355,868	1,378,109	7,546,459
Inapprop. Case Selection	9	12,882,989	508,108	1,513,573	14,904,669
Fail To Infrm Test Rsults	9	9,299,495	319,543	867,102	10,486,141
Improp. Delegation To Junior	8	289,000	121,482	721,047	1,131,529
Lack Of Pre-Op Evaluation	8	251,450	83,585	277,083	612,118
Fail/Delay Avail Op Thtre	7	7,310,404	364,116	1,445,653	9,120,174
Fail/Delay Of Avail Emgy Anaes	6	7,368,349	321,260	764,989	8,454,599
Inadqte Monitor In Recov Room	5	1,738,130	139,523	631,572	2,509,225
Lack Of Facilities/Equipment	5	5,269,947	179,325	560,100	6,009,372
Cross Infection	5	428,448	116,956	205,000	750,404
Grand Total	6,925	4,453,367,765	209,879,945	722,670,598	5,385,918,309

Table 4: Analysis of Primary Causes for Claims Closed/Settled with damages paid for Gynaecology between financial years 2010/11 to 2019/2020

Closed_Settled	Y
Claim_Outcome_FOI	Damages Paid
Speciality1L1	Gynaecology

----- Primary Causes	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Premature Ceasure Of Treatment	#	#	#	#	#
Fail To Correctly Apply Forcep	#	#	#	#	#
Birth Defects	#	#	#	#	#
Inadqte Monitor In Recov Room	#	#	#	#	#
Fail/Delay Avail Op Thtre	#	#	#	#	#
Lack Of Facilities/Equipment	#	#	#	#	#
Removal & Retention Of Organs	#	#	#	#	#
Perineal Tear-1st,2nd,3rd Deg	#	#	#	#	#
Failed Infection Control Policy/Hospital Hygiene	#	#	#	#	#
Fail/Delay Admitting To Hosp.	#	#	#	#	#
Inapp Use Of Forceps/Ventouse	#	#	#	#	#
Infusion Problems	#	#	#	#	#
Unexpected Death	#	#	#	#	#
Probs With Medical Records	#	#	#	#	#
Incorrect Injection Site	#	#	#	#	#
Sexual Abuse	#	#	#	#	#
Improp. Delegation To Junior	#	#	#	#	#
Assault, Etc By Hospital Staff	#	#	#	#	#
Re-Canalisation	#	#	#	#	#
Intra-Op Problems	574	40,557,742	6,504,914	28,573,056	75,635,712
Fail / Delay Treatment	485	26,093,031	4,121,209	20,227,990	50,442,230
Failure/Delay Diagnosis	382	28,778,638	4,275,372	19,652,485	52,706,495
Inappropriate Treatment	307	14,447,019	2,202,260	11,355,201	28,004,480
Fail To Warn-Informed Consent	264	15,437,265	2,412,036	11,900,888	29,750,188
Wrong Diagnosis	174	7,726,655	695,577	3,036,584	11,458,815
Fail To Recog. Complication Of	165	15,543,322	2,549,088	10,962,419	29,054,829
Operator Error	164	8,390,232	1,532,100	7,310,117	17,232,449
Foreign Body Left In Situ	120	1,287,175	215,730	1,616,913	3,119,818
Failed Sterilisation	108	2,493,680	454,535	2,523,231	5,471,446
Diathermy Burns/react. To Prep	54	1,599,359	174,832	1,234,624	3,008,814
Perform. Of Op. Not Indicated	54	1,948,926	471,055	1,882,952	4,302,932
Failure To Perform Operation	50	758,779	257,118	1,253,486	2,269,383
Failure To Perform Tests	40	6,469,806	384,496	1,292,640	8,146,942
Delay In Performing Operation	34	1,004,482	167,823	1,130,215	2,302,520
Inadequate Nursing Care	31	691,000	97,606	605,046	1,393,651
Fail To Follow-Up Arrangements	28	1,131,317	144,089	723,762	1,999,168
Fail To Act On Abnorm Test Res	27	1,772,017	160,106	1,041,119	2,973,242
Medication Errors	23	1,273,315	145,557	737,815	2,156,687
Inappropriate Discharge	23	403,674	99,838	604,173	1,107,685
Err With Agnt/Dose/Route/Selec	22	1,982,284	156,756	795,234	2,934,274
Wrong Site Surgery	22	1,610,969	141,925	504,485	2,257,380
Inadequate Monitoring Intra-Op	21	1,717,210	231,884	1,010,735	2,959,828
Fail To Infrm Test RsIts	19	875,350	83,407	615,640	1,574,397
Retained Instrument Post-Operation	19	428,740	49,985	386,287	865,012
Equipment Malfunction	17	293,500	48,944	271,798	614,243
Other	17	155,405	52,391	534,458	742,254
Lack Of Pre-Op Evaluation	17	927,698	90,289	715,411	1,733,398
Lack Of Assistance/Care	15	305,236	52,900	546,422	904,559
Fail To Carry Out PO Observs.	15	1,018,266	242,013	970,282	2,230,561
Bacterial Infection	9	862,535	158,010	611,627	1,632,172
Fail To Interpret USS	9	147,096	21,807	227,520	396,423
Inapprop. Case Selection	8	455,880	122,217	505,653	1,083,750
Fail To Supervise	8	85,250	43,893	198,024	327,167
Fail Antenatal Screening	8	2,475,734	230,954	1,238,226	3,944,914
Fail To Monitor 2nd Stg Labour	7	12,142,231	482,061	1,926,250	14,550,543
Application Of Excess Force	6	196,500	79,805	342,750	619,055

Table 4: Analysis of Primary Causes for Claims Closed/Settled with damages paid for Gynaecology between financial years 2010/11 to 2019/2020

Closed_Settled	Y
Claim_Outcome_FOI	Damages Paid
Speciality1L1	Gynaecology

----- Primary Causes	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
Fail/Delay Referring To Hosp.	5	1,058,083	107,258	470,191	1,635,533
Failure To Interpret X-Ray	5	143,100	13,600	120,000	276,700
Failure To X-Ray	5	113,000	10,680	90,250	213,930
Grand Total	3,397	206,976,191	29,763,091	141,389,973	378,129,256

Table 5: Number of Claims Open for Obstetrics and Gynaecology

Status_Flag	Open
NHSLA_Notification_Year	(All)

Specialty	No. of Claims
Gynaecology	1,167
Obstetrics	3,669
Grand Total	4,836

Table 6: Total paid (including damages, claimant and NHS legal costs) for Obstetrics and Gynaecology claims Closed/Settled with damages as percentage of the total paid for all clinical claims between financial years 2010/11 to 2019/2020

Closed_Settled	Y
Claim_Outcome_FOI	Damages Paid
Speciality1L1	Gynaecology

Closed_Settled	Y
Claim_Outcome_FOI	Damages Paid
Speciality1L1	Obstetrics

Year of Closure (Settlement Year for PPOs)	Total Paid
2010/11	26,010,024
2011/12	23,826,396
2012/13	25,652,648
2013/14	24,004,983
2014/15	27,338,174
2015/16	44,879,061
2016/17	43,980,862
2017/18	56,517,195
2018/19	53,817,824
2019/20	52,102,088
Grand Total	378,129,256

Year of Closure (Settlement Year for PPOs)	Total Paid
2010/11	453,238,664
2011/12	558,071,346
2012/13	492,777,728
2013/14	463,287,488
2014/15	410,553,119
2015/16	393,877,039
2016/17	492,772,067
2017/18	645,182,645
2018/19	818,961,266
2019/20	657,196,949
Grand Total	5,385,918,309

Year of Closure (Settlement Year for PPOs)	Total Paid for all clinical claims Closed/Settled with damages	Payment to Gynaecology as a percentage of all clinical claims to NHS Resolution	Payment to Obstetrics as a percentage of all clinical claims to NHS Resolution
2010/11	1,105,991,309	2.35%	40.98%
2011/12	1,192,733,270	2.00%	46.79%
2012/13	1,121,626,642	2.29%	43.93%
2013/14	1,180,520,954	2.03%	39.24%
2014/15	1,190,596,818	2.30%	34.48%
2015/16	1,183,156,968	3.79%	33.29%
2016/17	1,438,716,121	3.06%	34.25%
2017/18	1,745,667,471	3.24%	36.96%
2018/19	2,032,529,448	2.65%	40.29%
2019/20	1,841,000,876	2.83%	35.70%
Grand Total	14,032,539,877	2.69%	38.38%

Table 7: Average time to resolution of Claims Closed with damages paid for Obstetrics and Gynaecology between financial years 2010/11 to 2019/2020

Closed_Settled	Y
Claim_Outcome_FOI	Damages Paid

Year of Closure (Settlement Year for PPOs)	No. of Claims	Average of Years to resolution
Gynaecology	3,397	2.44
Obstetrics	6,925	3.53
Grand Total	10,322	3.17

Table 8: Number of Claims Closed without damages paid for Obstetrics and Gynaecology between financial years 2010/11 to 2019/2020

Closed_Settled	Y
Claim_Outcome_FOI	NIL Damages

No. of Claims Year of Closure (Settlement Year for PPOs)	Specialty		
	Gynaecology	Obstetrics	Grand Total
2010/11	68	290	358
2011/12	75	320	395
2012/13	100	306	406
2013/14	157	357	514
2014/15	211	444	655
2015/16	211	416	627
2016/17	198	435	633
2017/18	213	378	591
2018/19	181	412	593
2019/20	227	581	808
Grand Total	1,641	3,939	5,580