

April 2021  
FOI\_4914

The following information was requested on 7 January 2021:

*At our December meeting ... ask for the current figures for the ENS scheme. I know that you provided the figure from the annual report for the number of admissions, but we would like the latest figures for the following:*

1. *The number of incidents reported to NHSR's Early Notification Scheme?*
2. *Of those incidents reported to NHSR's Early Notification Scheme, the number which have met the scheme criteria*
3. *Of those incidents which have met the scheme criteria, the number which relate to incidents at The Shrewsbury and Telford Hospital NHS Trust*
4. *Of those incidents which have met the scheme criteria, the number where NHSR's investigation of the incident has been completed*
5. *Of those cases where the investigation has been completed, the number in which it was determined that the care provided had fallen below a reasonable standard*
6. *Of those cases where the investigation has been completed, the number in which an admission of liability has been made*
7. *Of those cases where the investigation has been completed, the number in which it was concluded that the care provided had been reasonable*
8. *Of those cases above where it was concluded that the care provided had been reasonable, the number in which the family were signposted to Action Against Medical Accidents (AvMA)*

## **Our Response**

The dataset presented in the responses below are from 1 April 2017 to 31 March 2020<sup>1</sup>. We will publish the figures for 1 April 2020 onwards in our Annual Report and Accounts for this year.

1. *The number of incidents reported to NHSR's Early Notification Scheme*

The total number of incidents reported into the Early Notification scheme by NHS Trusts is 2,244. Some additional points to note:

- The Early Notification scheme introduced a system of early liability investigations for families who require resolution and support after poor intrapartum outcomes,

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<sup>1</sup> Data is taken as accurate as at 7 January 2021 and may be subject to change

as well as sharing system learning for improvement nationally. However, experience from NHS Resolution (and the Healthcare Safety Investigation Branch, HSIB) has recognised that the initial reporting criteria into the ENS (based on the Each Baby Counts (EBC) criteria) was very wide capturing a large number of babies (around 700 cases per year) but lacked specificity for the core objectives of the scheme., particularly given that only a small number (estimated to be around 10%) have evidence of a confirmed brain injury;

- Some reported incidents fall outside the criteria and may have been included;
- Not all of these incidents will be investigated;
- Not all of these incidents are classified as 'claims', however this number of incidents were reported into the scheme via the reporting system between Trusts and NHS Resolution.

2. *Of those incidents reported to NHSR's Early Notification Scheme, the number which have met the scheme criteria*

The number of incidents which have met the scheme's initial criteria based on RCOG EBC is 2,167.

3. *Of those incidents which have met the [EN] scheme [are currently based on the RCOG EBC (see above )] criteria, the number which relate to incidents at The Shrewsbury and Telford Hospital NHS Trust*

There are **7** incidents which have met the scheme criteria which relate to incidents at The Shrewsbury and Telford Hospital NHS Trust.

4. *Of those incidents which have met the scheme criteria, the number where NHSR's investigation of the incident has been completed*

**322** incidents have had their "investigation" into the standard of care marked as complete. The meaning of "investigation" includes cases, which identified as:

- initially meeting the EN criteria but on further review had not and therefore were closed
- those where liability has been repudiated (no breach or causation could be identified) and then closed
- following an internal clinical review where substandard care has been identified as unlikely and then proceeded to close
- an admission of breach has been made (where causation and quantum investigations continue)
- an admission of liability has been made and discussions continue

This therefore provides a mixed response as to "completed" investigations as some continue to remain open and live.

5. *Of those cases where the investigation has been completed, the number in which it was determined that the care provided had fallen below a reasonable standard.*

**51** admissions. These include cases where causation investigations may not be concluded, proven or ongoing.

6. *Of those cases where the investigation has been completed, the number in which an admission of liability has been made?*

**27** admissions include an admission of liability

7. *Of those cases where the investigation has been completed, the number in which it was concluded that the care provided had been reasonable*

**271** cases of those identified in point 4 above are “concluded” where the care provided has been reasonable

8. *Of those cases above where it was concluded that the care provided had been reasonable, the number in which the family were signposted to Action Against Medical Accidents (AvMA)*

We advise all trusts to do this. However, this is not information we would hold.

For further information about our Early Notification Scheme please see: [Early Notification Scheme](#)

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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