



Resolution

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September 2021
FOI_5176

The following information was requested on 1 September 2021 and clarified on 14 September 2021:

Can you please provide the following for each Basildon & Thurrock University Hospitals NHS Foundation Trust, Mid Essex Hospital Services Trust, & Southend University Hospital Foundation Trust:

- *The number of Obstetrics Claims against the Trust each year since 2010*
- *The number and cost of Obstetrics Claims that were closed or settled with damages since 2010 (full settled value rather than amount already paid)*
- *Analysis of the primary injuries code for Obstetrics Claims against NUH since 2010*
- *Analysis of primary causes codes for Obstetrics Claims against NUH since 2010.*

And for Mid & South Essex NHS Foundation Trust:

- *The number of Obstetrics Claims against the Trust since its creation*
- *The number and cost of Obstetrics Claims that were closed or settled with damages since its creation in 2020 (full settled value rather than amount already paid)*
- *Analysis of the primary injuries code for Obstetrics Claims against NUH since its creation*
- *Analysis of primary causes codes for Obstetrics Claims against NUH since its creation*

[We wrote to you on 13 September 2021]

By way of some advice and assistance we cannot answer the first set of questions because the first two trusts named were dissolved in 2020 and acquired by Mid and South Essex NHS Foundation Trust (re-named and formerly Southend University Hospital NHS FT).

All the claims will have been merged in our Claims Management System and now come under Mid and South Essex NHS Foundation Trust and we could not identify which trust they were made against previously/originally without reviewing every individual claim.

The second set of questions relate to Mid and South Essex NHS Foundation Trust alone. The questions ask about claims since the trust's 'creation', however, this trust was created in the 1990s and was formerly Southend University Hospital NHS FT - it just changed its name.

All we can provide is data relating to claims against Mid and South Essex NHS Foundation Trust which will include all claims against the three named trusts in totality.

Will this be satisfactory to you?

[You replied on 14 September 2021]

In that case, yes claims against Mid & South Essex that include all trusts will be satisfactory, but could you also provide the same figures for Basildon Hospital specifically each year since 2010.

Our Response

Please find attached the requested information. In terms of your request for information about Basildon Hospital we do not report against individual hospitals but rather against Trusts.

Please note claims notified/received and open are not guaranteed to be settled in the same year and can take many years to be concluded. Claims notified/received in any given year will often relate to incidents that have occurred many years prior. Due to the nature of clinical negligence claims and the level of investigation needed to bring them to a resolution, claims received and notified in a specific year may take years to settle.

Many of the claims notified will have been repudiated and settled without damages paid.

Please also note the high figure of damages against Mid and South Essex NHS FT in the year 2020/21 in table 2 will be influenced by the fact that this trust acquired two dissolved NHS trusts in 2020 and the dissolved trusts' claims will now show against Mid and South Essex.

The data in table 2 also shows some significant damages payment in the years 2012/13, 2016/17, and 2018/19. This is a reflection of the nature of individual claims received by NHS Resolution which can vary significantly. As such these fluctuations cannot be interpreted as trends.

We are unable to provide the full settled value in terms of the claims settled with a damages payment or a periodical payment order. In the case of PPOs the settled value will be subject to the duration of life of the claimant, which is unknown.

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(3A)(a) 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.

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/>

Table 1: Number of Obstetrics Claims received between financial years 2010/11 and 2020/21 for Mid and South Essex NHS Foundation Trust.

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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.

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[Table 3: Number of Obstetrics Claims received between financial years 2010/11 and 2020/21 showing the primary injury for Mid and South Essex NHS Foundation Trust.](#)

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Table 1: Number of Obstetrics Claims received between financial years 2010/11 and 2020/21 for Mid and South Essex NHS Foundation Trust.

Notifications	Y
Scheme	CNST
Speciality1L1	Obstetrics

Year of Notification	No. of Claims
2010/11	31
2011/12	30
2012/13	20
2013/14	33
2014/15	22
2015/16	27
2016/17	23
2017/18	22
2018/19	31
2019/20	28
2020/21	32
Grand Total	299

Table 2: Number and Cost of Obstetrics Claims closed between financial years 2010/11 and 2020/21 for Mid and South Essex NHS Foundation Trust, with a damages payment (includes the damages paid to date for any claims settled on a periodical payment order basis).

Closed_Settled	Y
Scheme	CNST
Claim_Outcome_FOI	Damages Paid
Speciality1L1	Obstetrics

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2010/11	13	6,977,253	469,805	1,277,271	8,724,329
2011/12	14	1,430,830	180,446	1,101,882	2,713,158
2012/13	11	8,104,340	251,903	1,063,200	9,419,443
2013/14	13	4,453,452	262,482	886,046	5,601,980
2014/15	14	1,961,093	256,569	1,446,966	3,664,628
2015/16	14	555,884	193,255	906,938	1,656,076
2016/17	15	8,331,685	659,112	1,976,259	10,967,056
2017/18	14	958,000	126,622	798,175	1,882,797
2018/19	21	18,589,650	1,099,332	3,141,095	22,830,076
2019/20	27	1,234,724	289,903	1,267,626	2,792,253
2020/21	20	29,262,089	813,962	2,769,350	32,845,401
Grand Total	176	81,858,999	4,603,392	16,634,807	103,097,198

Table 3: Number of Obstetrics Claims received between financial years 2010/11 and 2020/21 showing the primary injury for Mid and South Essex NHS Foundation Trust.

Scheme	CNST
Claim_Outcome_FOI	(All)
Speciality1L1	Obstetrics

Notification Year	No. of Claims
2010/11	31
Cerebral Palsy	5
Fatality	6
Unnecessary Pain	6
Tissue Damage	#
Psychiatric/Psychological Dmge	#
Adtnl/unnecessary Operation(s)	#
Loss Of Baby	#
Brain Damage	#
Stillborn	#
2011/12	30
Adtnl/unnecessary Operation(s)	7
Incontinence	#
Bladder Damage	#
Burn(s)	#
Scarring	#
Brain Damage	#
Bowel Damage/ Dysfunction	#
Infertility	#
Psychiatric/Psychological Dmge	#
Cerebral Palsy	#
Fatality	#
Loss Of Baby	#
Unnecessary Pain	#
Stillborn	#
2012/13	20
Developmental Delay	#
Bowel Damage/ Dysfunction	#
Fatality	#
Brain Damage	#
Unnecessary Pain	#
Cerebral Palsy	#
Other	#
Loss Of Baby	#
Adtnl/unnecessary Operation(s)	#
Stillborn	#
2013/14	33
Adtnl/unnecessary Operation(s)	6
Other Infection	#
Respiratory Disorder/ Failure	#
Incontinence	#
Psychiatric/Psychological Dmge	#
Bladder Damage	#
Unnecessary Pain	#
Brain Damage	#
Rupture	#
Infertility	#
Pressure Sores	#
Cardiac Arrest	#
Tissue Damage	#
Loss Of Baby	#
Scarring	#
Stillborn	#
Fatality	#
Unwanted Pregnancy	#
2014/15	22
Fatality	6

Table 3: Number of Obstetrics Claims received between financial years 2010/11 and 2020/21 showing the primary injury for Mid and South Essex NHS Foundation Trust.

Scheme	CNST
Claim_Outcome_FOI	(All)
Speciality1L1	Obstetrics
Notification Year	
No. of Claims	
Bowel Damage/ Dysfunction	#
Tendon Damage	#
Brain Damage	#
Unnecessary Pain	#
Cerebral Palsy	#
Adtnl/unnecessary Operation(s)	#
Stillborn	#
Thrombosis/Embolism	#
Scalp Damage	#
Scarring	#
Arterial Damage	#
2015/16	27
Unnecessary Pain	5
Thrombosis/Embolism	#
Developmental Delay	#
Psychiatric/Psychological Dmge	#
Bowel Damage/ Dysfunction	#
Erb's Palsy	#
Incontinence	#
Adtnl/unnecessary Operation(s)	#
Bladder Damage	#
Tissue Damage	#
Loss Of Baby	#
Fracture	#
Stillborn	#
2016/17	23
Bowel Damage/ Dysfunction	#
Adtnl/unnecessary Operation(s)	#
Brain Damage	#
Psychiatric/Psychological Dmge	#
Cerebral Palsy	#
Erb's Palsy	#
Loss Of Baby	#
Unnecessary Pain	#
Stillborn	#
Fatality	#
Cystic Growth	#
2017/18	22
Fracture	#
Other Infection	#
Fatality	#
Thrombosis/Embolism	#
Psychiatric/Psychological Dmge	#
Bladder Damage	#
Adtnl/unnecessary Operation(s)	#
Brain Damage	#
Unnecessary Pain	#
Cerebral Palsy	#
Other	#
Loss Of Baby	#
2018/19	31
Unnecessary Pain	7
Other Infection	#
Thrombosis/Embolism	#
Fatality	#
Incontinence	#
Cosmetic Disfigurement	#

Table 3: Number of Obstetrics Claims received between financial years 2010/11 and 2020/21 showing the primary injury for Mid and South Essex NHS Foundation Trust.

Scheme	CNST
Claim_Outcome_FOI	(All)
Speciality1L1	Obstetrics

Notification Year	No. of Claims
Brain Damage	#
Adtnl/unnecessary Operation(s)	#
Cerebral Palsy	#
Erb's Palsy	#
Stillborn	#
Pressure Sores	#
Wrongful Birth	#
2019/20	28
Brain Damage	7
Thrombosis/Embolism	#
Bowel Damage/ Dysfunction	#
Incontinence	#
Scarring	#
Fatality	#
Adtnl/unnecessary Operation(s)	#
Cerebral Palsy	#
Unnecessary Pain	#
Loss Of Baby	#
Other	#
Stillborn	#
2020/21	32
Brain Damage	5
Fatality	6
Stillborn	6
Bowel Damage/ Dysfunction	#
Fistula	#
Psychiatric/Psychological Dmge	#
Nerve Damage	#
Unnecessary Pain	#
Sepsis	#
Bladder Damage	#
Cerebral Palsy	#
Adtnl/unnecessary Operation(s)	#
Loss Of Baby	#
Scarring	#
Not Specified	#
Grand Total	299

Table 4: Number of Obstetrics Claims received between financial years 2010/11 and 2020/21 showing the primary cause for Mid and South Essex NHS Foundation Trust.

Notification Year	No. of Claims
2010/11	31
Fail To Monitor 2nd Stg Labour	6
Fail / Delay Treatment	7
Other	#
Fail/Delay Admitting To Hosp.	#
Inadequate Nursing Care	#
Failure/Delay Diagnosis	#
Fail To Recog. Complication Of	#
Fail Antenatal Screening	#
Inappropriate Treatment	#
Foreign Body Left In Situ	#
Fail To Make Resp To Abnrm FHR	#
Cross Infection	#
2011/12	30
Fail / Delay Treatment	5
Delay In Performing Operation	#
Operator Error	#
Fail To Recog. Complication Of	#
Perineal Tear-1st,2nd,3rd Deg	#
Failure To Perform Operation	#
Fail To Make Resp To Abnrm FHR	#
Inappropriate Treatment	#
Fail To Monitor 1st Stg Labour	#
Other	#
Fail To Monitor 2nd Stg Labour	#
Fail To Warn-Informed Consent	#
Foreign Body Left In Situ	#
Intra-Op Problems	#
Fail To Act On Abnorm Test Res	#
Failure/Delay Diagnosis	#
Perform. Of Op. Not Indicated	#
Equipment Malfunction	#
Diathermy Burns/react. To Prep	#
2012/13	20
Fail / Delay Treatment	5
Fail To Make Resp To Abnrm FHR	#
Fail To Monitor 1st Stg Labour	#
Fail To Monitor 2nd Stg Labour	#
Perineal Tear-1st,2nd,3rd Deg	#
Retained Instrument Post-Operation	#
Delay In Performing Operation	#
Forceps Delivery	#
Inappropriate Treatment	#
Fail To Correctly Apply Forcep	#
2013/14	33
Inappropriate Treatment	5
Delay In Performing Operation	#
Operator Error	#
Failure To Perform Operation	#
Perineal Tear-1st,2nd,3rd Deg	#
Inadequate Nursing Care	#
Fail To Make Resp To Abnrm FHR	#
Intra-Op Problems	#
Fail To Monitor 2nd Stg Labour	#
Failure/Delay Diagnosis	#
Foreign Body Left In Situ	#
Fail / Delay Treatment	#

Table 4: Number of Obstetrics Claims received between financial years 2010/11 and 2020/21 showing the primary cause for Mid and South Essex NHS Foundation Trust.

Scheme	CNST
Claim_Outcome_FOI	(All)
Speciality1L1	Obstetrics
Notification Year	No. of Claims
Failed Sterilisation	#
Fail To Recog. Complication Of	#
Failure To Perform Tests	#
2014/15	22
Fail / Delay Treatment	5
Operator Error	#
Fail To Monitor 1st Stg Labour	#
Failure/Delay Diagnosis	#
Fail To Monitor 2nd Stg Labour	#
Delay In Performing Operation	#
Fail Antenatal Screening	#
Inappropriate Treatment	#
Foreign Body Left In Situ	#
Fail To Recog. Complication Of	#
Forceps Delivery	#
2015/16	27
Perineal Tear-1st,2nd,3rd Deg	#
Fail To Make Resp To Abnrm FHR	#
Fail To Recog. Complication Of	#
Fail To Monitor 1st Stg Labour	#
Failure/Delay Diagnosis	#
Fail Antenatal Screening	#
Operator Error	#
Application Of Excess Force	#
Fail To Warn-Informed Consent	#
Fail To Diag Pre-Eclampsia	#
Fail / Delay Treatment	#
Fail To Correctly Apply Forcep	#
Inappropriate Treatment	#
Inapp Use Of Forceps/Ventouse	#
2016/17	23
Fail / Delay Treatment	5
Fail To Monitor 1st Stg Labour	#
Fail/Delay Admitting To Hosp.	#
Failure/Delay Diagnosis	#
Fail To Monitor 2nd Stg Labour	#
Inappropriate Treatment	#
Fail Antenatal Screening	#
Operator Error	#
Application Of Excess Force	#
Inadequate Nursing Care	#
Fail To Act On Abnorm Test Res	#
Fail To Supervise	#
Failure To Perform Tests	#
Delay In Performing Operation	#
Inappropriate Discharge	#
2017/18	22
Fail To Monitor 2nd Stg Labour	5
Fail / Delay Treatment	6
Fail To Monitor 1st Stg Labour	#
Failure/Delay Diagnosis	#
Fail Antenatal Screening	#
Fail To Warn-Informed Consent	#
Failure To Perform Tests	#
Fail To Make Resp To Abnrm FHR	#
Bacterial Infection	#
2018/19	31

Table 4: Number of Obstetrics Claims received between financial years 2010/11 and 2020/21 showing the primary cause for Mid and South Essex NHS Foundation Trust.

Scheme	CNST
Claim_Outcome_FOI	(All)
Speciality1L1	Obstetrics

Notification Year	No. of Claims
Fail / Delay Treatment	5
Perineal Tear-1st,2nd,3rd Deg	#
Fail To Monitor 1st Stg Labour	#
Fail To Supervise	#
Fail To Monitor 2nd Stg Labour	#
Inadequate Monitoring Intra-Op	#
Fail Antenatal Screening	#
Inappropriate Treatment	#
Infusion Problems	#
Fail To Recog. Complication Of	#
Foreign Body Left In Situ	#
Inadequate Nursing Care	#
Application Of Excess Force	#
Failure/Delay Diagnosis	#
Forceps Delivery	#
Delay In Performing Operation	#
Failure To Perform Tests	#
2019/20	28
Fail / Delay Treatment	7
Fail To Make Resp To Abnrm FHR	#
Fail To Monitor 1st Stg Labour	#
Fail/Delay Admitting To Hosp.	#
Inappropriate Treatment	#
Fail Antenatal Screening	#
Perineal Tear-1st,2nd,3rd Deg	#
Fail To Diag Pre-Eclampsia	#
Failure/Delay Diagnosis	#
Retained Instrument Post-Operation	#
Fail To Recog. Complication Of	#
Birth Defects	#
Delay In Performing Operation	#
Wrong Diagnosis	#
2020/21	32
Fail / Delay Treatment	5
Operator Error	#
Fail To Make Resp To Abnrm FHR	#
Fail/Delay Admitting To Hosp.	#
Fail To Supervise	#
Fail To Monitor 2nd Stg Labour	#
Intra-Op Problems	#
Fail Antenatal Screening	#
Fail To Follow-Up Arrangements	#
Fail To Act On Abnorm Test Res	#
Failure/Delay Diagnosis	#
Fail/Delay Referring To Hosp.	#
Fail To Recog. Complication Of	#
Inapp Use Of Forceps/Ventouse	#
Other	#
Removal & Retention Of Organs	#
Grand Total	299