



Resolution

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April 2022

FOI_5320

The following information was requested on 2 February 2022:

- 1. What was the total number of allegations or attempted clinical negligence claims related to cerebral palsy against NHS trusts in England per annum in 2021, 2020, 2019, 2018, 2017, 2016, 2015, 2014, 2013, 2012 and 2011? Please provide the data broken down by year and, if possible, by NHS trust.*
- 2. What was the total number of successful clinical negligence claims related to cerebral palsy against NHS trusts in England in 2021, 2020, 2019, 2018, 2017, 2016, 2015, 2014, 2013, 2012 and 2011? Please provide the data broken down by year and, if possible, by NHS trust.*
- 3. What was the total sum paid out in successful and settled clinical negligence claims related to cerebral palsy against NHS trusts in England in 2021, 2020, 2019, 2018, 2017, 2016, 2015, 2014, 2013, 2012 and 2011? Please provide the data broken down by year and, if possible, by NHS trust.*

Our Response

We are unable to provide details of the total number of allegations related to cerebral palsy as we do not hold this information. This will be held by the individual Trusts.

We have provided the number of maternity cerebral palsy/brain damage claims and cases in their early stages which have not formally entered the claims process received over time across all clinical negligence schemes (which cover NHS Trusts in England and include claims under our Early Notification Scheme) from 2010/11 – 2020/21 by financial (April to March) in Table 1. This information is also available in our Annual Report and Accounts - [NHS Resolutions Annual Report 2021](#).

In Table 2 – the above information is broken down by Trust. 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. Claims closed in any given year will often relate to claims received/notified many years prior.

Table 3 - Please note we have interpreted successful claim to mean a claim where damages were paid. In table 3 we set out the number of successful cases closed in the years 2010/11 to 2020/21, with the total sums paid to date. The information disclosed includes Periodical payment order (PPO), which are an agreement between the parties, to pay an initial lump sum and regular future payments covering the injured party's ongoing care needs, usually for life.

Given the nature of these claims, many will have settled on the basis of periodical payment orders so we are only able to provide information on the sums paid to date which will not reflect the overall value where payments continue to be made.

Table 2 & 3 - We have suppressed low figures (and we have not provided the names of Trusts with fewer than 5 claims), 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/>

TABLE OF CONTENTS

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 Obstetric Claims and incidents received between financial years 2010/11 to 2020/21 where the primary, secondary or tertiary injury is Cerebral Palsy or Brain Damage

Table 2: Number of Obstetric Claims and incidents received between financial years 2010/11 to 2020/21 where the primary, secondary or tertiary injury is Cerebral Palsy or Brain Damage, broken down by member trust

Table 3: Analysis of Members for Claims Closed between financial years 2010/11 to 2020/21 with damages paid, where the primary, secondary or tertiary injury was Cerebral Palsy (includes the damages paid to date for any claims settled on a periodical payment order basis)

Table 1: Number of Obstetric Claims and incidents received between financial years 2010/11 to 2020/21 where the primary, secondary or tertiary injury is Cerebral Palsy or Brain Damage

Obsterics_CPBD	Y
FOI_Notifications	Y

Year of Notification	Number of claims
2010/11	227
2011/12	196
2012/13	224
2013/14	223
2014/15	205
2015/16	192
2016/17	235
2017/18	217
2018/19	194
2019/20	186
2020/21	268
Grand Total	2,367

Table 2: Number of Obstetric Claims and incidents received between financial years 2010/11 to 2020/21 where the primary, secondary or tertiary injury is Cerebral Palsy or Brain Damage, broken down by member trust

Member Name	Number of claims
All other trusts with less than 5 claims (30 Trusts)	56
Department of Health	81
Mid and South Essex NHS Foundation Trust	61
Nottingham University Hospitals NHS Trust	53
Barts Health NHS Trust	47
Pennine Acute Hospitals NHS Trust (The)	40
University Hospitals of Leicester NHS Trust	39
Manchester University NHS Foundation Trust	39
Imperial College Healthcare NHS Trust	35
University Hospitals Sussex NHS Foundation Trust	35
East Lancashire Hospitals NHS Trust	35
Frimley Health NHS Foundation Trust	34
Newcastle Upon Tyne Hospitals NHS Foundation Trust (The)	34
University Hospitals of Morecambe Bay NHS Foundation Trust	33
Lewisham & Greenwich NHS Trust	31
Barking, Havering and Redbridge University Hospitals NHS Trust	30
Oxford University Hospitals NHS Foundation Trust	30
Mid Yorkshire Hospitals NHS Trust (The)	29
Portsmouth Hospitals NHS Trust	29
Lancashire Teaching Hospitals NHS Foundation Trust	29
Birmingham Women's and Children's NHS Foundation Trust	29
Sheffield Teaching Hospitals NHS Foundation Trust	29
The Leeds Teaching Hospitals NHS Trust	28
Liverpool Women's Hospital NHS Foundation Trust	27
King's College Hospital NHS Foundation Trust	27
University Hospitals Birmingham NHS Foundation Trust	27
Royal Free London NHS Foundation Trust	26
South Tyneside and Sunderland NHS Foundation Trust	26
North Middlesex University Hospital NHS Trust	26
Guy's and St Thomas' NHS Foundation Trust	25
North West Anglia NHS Foundation Trust	25
Kingston Hospital NHS Trust	25
West Hertfordshire Hospitals NHS Trust	24
University Hospitals of Derby and Burton NHS Foundation Trust	24
Bedfordshire Hospitals NHS Foundation Trust	24
East Suffolk and North Essex NHS Foundation Trust	24
Calderdale & Huddersfield NHS Foundation Trust	23
Gloucestershire Hospitals NHS Foundation Trust	23
University Hospital Southampton NHS Foundation Trust	23
Maidstone and Tunbridge Wells NHS Trust	23
Chelsea & Westminster Hospital NHS Foundation Trust	22
Somerset NHS Foundation Trust	22
Royal Berkshire NHS Foundation Trust	21
University Hospitals Bristol & Weston NHS Foundation Trust	21
Epsom and St Helier University Hospitals NHS Trust	21
Royal Cornwall Hospitals NHS Trust	21
Shrewsbury and Telford Hospital NHS Trust	21
Norfolk & Norwich University Hospitals NHS Foundation Trust	21
Bolton Hospitals NHS Foundation Trust	20
Croydon Health Services NHS Trust	20
Ashford & St Peter's Hospitals NHS Foundation Trust	20
County Durham and Darlington NHS Foundation Trust	19
Milton Keynes Hospital NHS Foundation Trust	19
Blackpool Teaching Hospitals NHS Foundation Trust	19
Hull University Teaching Hospitals NHS Trust	19
London North West University Healthcare NHS Trust	19
Homerton University Hospital NHS Foundation Trust	18
University Hospitals of North Midlands NHS Trust	18
St George's University Hospitals NHS Foundation Trust	18
University Hospitals Dorset NHS Foundation Trust	17
University Hospitals Coventry & Warwickshire NHS Trust	17
Wirral University Teaching Hospital NHS Foundation Trust	17
Dudley Group NHS Foundation Trust (The)	17
East Kent Hospitals University NHS Foundation Trust	16
East and North Hertfordshire NHS Trust	15
Airedale NHS Foundation Trust	15
Whittington Health NHS Trust	14
Stockport NHS Foundation Trust	14

Table 2: Number of Obstetric Claims and incidents received between financial years 2010/11 to 2020/21 where the primary, secondary or tertiary injury is Cerebral Palsy or Brain Damage, broken down by member trust

Medway NHS Foundation Trust	14
Royal United Hospitals Bath NHS Foundation Trust	13
Countess of Chester Hospital NHS Foundation Trust	13
Wrightington, Wigan and Leigh NHS Foundation Trust	13
Barnsley Hospital NHS Foundation Trust	13
George Eliot Hospital NHS Trust	13
East Sussex Healthcare NHS Trust	13
Great Western Hospitals NHS Foundation Trust	13
Hampshire Hospitals NHS Foundation Trust	13
Sandwell & West Birmingham Hospitals NHS Trust	13
North Tees & Hartlepool NHS Foundation Trust	12
Tameside and Glossop Integrated Care NHS Foundation Trust	12
Northumbria Healthcare NHS Foundation Trust	12
Royal Wolverhampton NHS Trust (The)	12
Cambridge University Hospitals NHS Foundation Trust	12
Northampton General Hospital NHS Trust	12
Southport and Ormskirk Hospital NHS Trust	12
St Helens and Knowsley Teaching Hospitals NHS Trust	12
Worcestershire Acute Hospitals NHS Trust	11
Walsall Healthcare NHS Trust	11
University Plymouth Hospitals NHS Trust	11
Dartford and Gravesham NHS Trust	11
York and Scarborough Teaching Hospitals NHS Foundation Trust	11
Buckinghamshire Healthcare NHS Trust	11
North Bristol NHS Trust	10
Hillingdon Hospitals NHS Foundation Trust (The)	10
James Paget University Hospitals NHS Foundation Trust	10
South Tees Hospitals NHS Foundation Trust	10
Gateshead Health NHS Foundation Trust	10
United Lincolnshire Hospitals NHS Trust	10
Bradford Teaching Hospitals NHS Foundation Trust	10
Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust	10
Princess Alexandra Hospital NHS Trust (The)	9
Northern Devon Healthcare NHS Trust	9
Warrington and Halton Hospitals NHS Foundation Trust	9
Northern Lincolnshire & Goole Hospitals NHS Foundation Trust	9
Kettering General Hospital NHS Foundation Trust	9
Surrey and Sussex Healthcare NHS Trust	8
Northern Care Alliance NHS Foundation Trust	8
North Cumbria Integrated Care NHS Foundation Trust	8
Royal Devon and Exeter NHS Foundation Trust	8
The Queen Elizabeth Hospital King's Lynn NHS Foundation Trust	8
University College London Hospitals NHS Foundation Trust	8
Sherwood Forest Hospitals NHS Foundation Trust	8
Wye Valley NHS Trust	7
Chesterfield Royal Hospital NHS Foundation Trust	7
South Warwickshire NHS Foundation Trust	6
West Suffolk NHS Foundation Trust	6
East Cheshire NHS Trust	6
Royal Surrey County Hospital NHS Foundation Trust (The)	6
The Rotherham NHS Foundation Trust	6
North East Strategic Health Authority	5
Torbay & South Devon NHS Foundation Trust	5
Dorset County Hospital NHS Foundation Trust	5
Mid Cheshire Hospitals NHS Foundation Trust	5
Grand Total	2,367

Table 3: Number of Obstetric Claims closed (or settled as a PPO) between financial years 2010/11 to 2020/21 with damages paid, where the primary, secondary or tertiary injury is Cerebral Palsy or Brain Damage, broken down by member trust. (includes the damages paid to date for any claims settled on a periodical payment order basis)

Member Name	Number of claims	Damages Paid	NHS Legal Costs Paid	Claimant Costs Paid
All other trust with less than 5 claims (44Trusts)	96	203,361,457	8,414,072	22,555,726
Department of Health	133	367,443,489	14,098,848	38,666,697
Barts Health NHS Trust	34	116,905,514	3,392,055	13,536,647
Mid and South Essex NHS Foundation Trust	26	67,270,999	2,762,671	7,634,867
Lewisham & Greenwich NHS Trust	25	94,180,508	2,687,481	9,304,151
Portsmouth Hospitals NHS Trust	25	82,672,743	2,265,997	7,328,388
East Suffolk and North Essex NHS Foundation Trust	25	60,407,801	2,189,520	6,293,726
The Leeds Teaching Hospitals NHS Trust	24	69,366,534	2,537,357	7,832,170
Barking, Havering and Redbridge University Hospitals NHS Trust	22	68,988,540	2,827,037	8,276,280
Nottingham University Hospitals NHS Trust	21	72,884,770	2,886,622	6,500,739
Frimley Health NHS Foundation Trust	21	48,048,030	1,934,665	5,744,146
South Tyneside and Sunderland NHS Foundation Trust	19	48,786,251	1,950,125	4,469,786
West Hertfordshire Hospitals NHS Trust	19	69,055,607	2,168,156	6,459,668
Liverpool Women's Hospital NHS Foundation Trust	19	59,247,159	1,866,590	5,071,126
Imperial College Healthcare NHS Trust	19	66,674,584	2,114,026	7,636,533
King's College Hospital NHS Foundation Trust	19	68,078,167	2,224,077	7,887,669
Manchester University NHS Foundation Trust	19	37,423,073	1,950,334	5,712,610
University Hospitals Sussex NHS Foundation Trust	18	70,467,598	2,108,363	7,751,877
Bedfordshire Hospitals NHS Foundation Trust	17	55,955,690	2,123,390	5,773,259
Calderdale & Huddersfield NHS Foundation Trust	17	41,142,363	1,315,790	5,685,402
London North West University Healthcare NHS Trust	17	54,485,906	1,721,128	5,314,488
Guy's and St Thomas' NHS Foundation Trust	16	54,936,768	1,865,311	5,929,513
Oxford University Hospitals NHS Foundation Trust	16	58,386,316	1,361,913	4,189,442
Wirral University Teaching Hospital NHS Foundation Trust	16	45,454,716	1,473,256	5,420,675
St George's University Hospitals NHS Foundation Trust	16	46,539,762	2,438,041	6,838,260
Gloucestershire Hospitals NHS Foundation Trust	16	60,049,473	1,780,980	6,134,055
Pennine Acute Hospitals NHS Trust (The)	15	42,377,329	1,623,287	3,958,043
East Lancashire Hospitals NHS Trust	15	43,598,146	1,699,523	4,410,670
University Hospitals of Derby and Burton NHS Foundation Trust	15	45,749,550	2,321,557	5,093,611
Maidstone and Tunbridge Wells NHS Trust	15	42,867,648	1,701,954	4,995,006
University Hospitals of Leicester NHS Trust	15	38,451,303	1,563,566	3,864,151
East Kent Hospitals University NHS Foundation Trust	14	29,866,698	1,141,298	4,584,668
Royal Berkshire NHS Foundation Trust	14	63,813,292	1,904,175	4,968,750
United Lincolnshire Hospitals NHS Trust	14	57,349,704	2,926,959	6,980,584
South Tees Hospitals NHS Foundation Trust	14	40,306,662	1,442,485	3,528,412
Mid Yorkshire Hospitals NHS Trust (The)	14	31,656,647	1,438,245	5,198,994
University Hospitals of Morecambe Bay NHS Foundation Trust	14	42,183,514	1,366,525	4,494,350
Newcastle Upon Tyne Hospitals NHS Foundation Trust (The)	14	31,895,662	1,586,241	3,838,922
Epsom and St Helier University Hospitals NHS Trust	13	46,431,493	1,264,026	3,831,273
Shrewsbury and Telford Hospital NHS Trust	12	26,336,360	877,940	3,024,694
North West Strategic Health Authority	12	16,680,220	1,107,430	2,173,245
County Durham and Darlington NHS Foundation Trust	12	34,754,544	1,164,243	2,989,250
Bolton Hospitals NHS Foundation Trust	11	29,206,797	968,570	3,253,225
East and North Hertfordshire NHS Trust	11	28,455,708	994,786	2,838,453
North Tees & Hartlepool NHS Foundation Trust	11	30,885,980	1,099,106	2,906,342
Kingston Hospital NHS Trust	11	35,055,398	1,365,381	4,139,532
Croydon Health Services NHS Trust	11	27,542,072	1,031,182	4,224,512
Royal Free London NHS Foundation Trust	11	38,624,420	1,301,008	4,145,894
Cambridge University Hospitals NHS Foundation Trust	11	54,003,230	1,329,519	4,455,131
Lancashire Teaching Hospitals NHS Foundation Trust	11	32,987,149	1,288,678	4,174,742
Sheffield Teaching Hospitals NHS Foundation Trust	11	31,595,102	977,883	2,625,264
Blackpool Teaching Hospitals NHS Foundation Trust	10	31,560,672	1,055,926	2,212,378
Chelsea & Westminster Hospital NHS Foundation Trust	10	49,377,805	1,491,077	4,729,125
Medway NHS Foundation Trust	10	26,204,909	889,898	2,075,635
Birmingham Women's and Children's NHS Foundation Trust	10	35,024,749	1,499,314	3,297,090
University Hospitals Birmingham NHS Foundation Trust	10	23,989,171	892,239	3,280,000
Norfolk & Norwich University Hospitals NHS Foundation Trust	10	26,202,085	1,246,490	2,618,299
Northern Care Alliance NHS Foundation Trust	9	27,956,641	774,058	2,102,750
Tameside and Glossop Integrated Care NHS Foundation Trust	9	36,385,779	1,260,917	3,169,076
Countess of Chester Hospital NHS Foundation Trust	9	23,143,334	736,859	2,209,084
University Hospitals of North Midlands NHS Trust	9	26,812,861	896,457	2,746,300
Homerton University Hospital NHS Foundation Trust	9	33,996,047	1,089,338	2,600,952
Hull University Teaching Hospitals NHS Trust	9	22,955,407	724,579	2,474,276
Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust	9	24,826,986	927,214	2,161,036
North Cumbria Integrated Care NHS Foundation Trust	9	27,673,221	764,353	3,064,137
Dudley Group NHS Foundation Trust (The)	9	33,872,540	1,193,744	3,875,677
North Middlesex University Hospital NHS Trust	9	34,777,862	932,821	3,799,760

Table 3: Number of Obstetric Claims closed (or settled as a PPO) between financial years 2010/11 to 2020/21 with damages paid, where the primary, secondary or tertiary injury is Cerebral Palsy or Brain Damage, broken down by member trust. (includes the damages paid to date for any claims settled on a periodical payment order basis)

North Bristol NHS Trust	8	28,273,140	842,151	2,831,650
York and Scarborough Teaching Hospitals NHS Foundation Trust	8	26,223,675	1,038,014	3,244,401
Wrightington, Wigan and Leigh NHS Foundation Trust	8	24,160,205	810,839	2,847,696
Walsall Healthcare NHS Trust	8	19,394,272	1,105,754	2,552,034
Bradford Teaching Hospitals NHS Foundation Trust	8	24,407,943	905,151	2,209,400
North West Anglia NHS Foundation Trust	8	31,527,564	1,042,354	3,422,919
Stockport NHS Foundation Trust	7	35,846,008	913,078	3,331,063
West Suffolk NHS Foundation Trust	7	22,748,614	880,710	2,648,703
University Hospitals Dorset NHS Foundation Trust	7	21,095,518	617,706	1,816,780
Northumbria Healthcare NHS Foundation Trust	7	12,055,740	858,789	1,456,150
Worcestershire Acute Hospitals NHS Trust	7	23,069,557	985,907	2,458,770
Dorset County Hospital NHS Foundation Trust	7	20,814,310	801,909	2,742,181
East Sussex Healthcare NHS Trust	7	19,222,444	1,025,693	2,767,544
Kettering General Hospital NHS Foundation Trust	7	25,820,850	1,048,213	2,650,238
Gateshead Health NHS Foundation Trust	7	19,412,343	930,953	2,016,841
Sandwell & West Birmingham Hospitals NHS Trust	7	18,730,999	851,842	2,682,176
Somerset NHS Foundation Trust	7	19,635,145	735,835	2,267,785
Dartford and Gravesham NHS Trust	6	24,311,937	761,610	3,048,790
University Hospitals Coventry & Warwickshire NHS Trust	6	14,435,720	548,595	1,513,294
Royal Cornwall Hospitals NHS Trust	6	19,391,526	558,714	1,724,750
Royal Devon and Exeter NHS Foundation Trust	6	22,417,543	757,740	2,873,509
Warrington and Halton Hospitals NHS Foundation Trust	6	17,188,093	607,365	1,627,317
Northampton General Hospital NHS Trust	6	13,356,970	546,549	1,568,385
Hampshire Hospitals NHS Foundation Trust	6	16,126,244	536,565	2,166,061
University College London Hospitals NHS Foundation Trust	6	23,403,372	591,367	2,607,197
University Hospitals Bristol & Weston NHS Foundation Trust	6	24,262,661	732,843	2,497,750
Whittington Health NHS Trust	6	23,166,053	1,106,555	3,051,800
Royal Wolverhampton NHS Trust (The)	5	13,886,283	489,988	1,408,708
University Plymouth Hospitals NHS Trust	5	14,976,803	527,762	1,249,815
Mid Cheshire Hospitals NHS Foundation Trust	5	14,323,434	464,825	1,214,940
Ashford & St Peter's Hospitals NHS Foundation Trust	5	19,717,200	536,008	2,013,500
London Strategic Health Authority	5	9,859,130	488,014	914,540
The Queen Elizabeth Hospital King's Lynn NHS Foundation Trust	5	17,340,951	628,873	1,487,082
St Helens and Knowsley Teaching Hospitals NHS Trust	5	14,689,522	491,751	1,532,000
Chesterfield Royal Hospital NHS Foundation Trust	5	17,857,739	634,085	1,400,214
Hillingdon Hospitals NHS Foundation Trust (The)	5	15,052,898	652,203	1,852,500
Barnsley Hospital NHS Foundation Trust	5	16,155,305	300,370	1,083,512
Surrey and Sussex Healthcare NHS Trust	5	16,014,272	535,085	1,491,000
East Midlands Strategic Health Authority	5	4,653,780	334,703	592,750
Royal Surrey County Hospital NHS Foundation Trust (The)	5	22,631,221	720,688	2,630,102
Yeovil District Hospital NHS Foundation Trust	5	20,411,180	602,797	1,402,200
Grand Total	1,441	4,323,716,679	155,868,611	457,959,241