



Resolution

8th Floor,
10 South Colonnade
Canary Wharf
London
E14 4PU

Telephone: 020 7811 2700

May 2022

FOI_5373

The following information was requested on 16 March 2022:

I am hoping NHS Resolution could provide me with the following for Shrewsbury & Telford Hospital NHS Trust:

- *Number of Obstetrics Claims for each year since 2010*
- *Number and Cost of Obstetrics Claims that were closed or settled with damages since 2010*
- *Analysis of the primary injuries code for Obstetrics Claims against STH since 2010*
- *Analysis of primary causes codes for Obstetrics Claims against STH since 2010.*

Our Response

Thank you for your continued interest in the work of NHS Resolution and your patience in waiting for this response. Please find attached the requested information.

Table 1 – shows the number of claims and incidents received between financial years 2010/11 - 2020/21 for Shrewsbury and Telford Hospital NHS foundation trust, where the primary specialty is Obstetrics.

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.

Table 2 – We have interpreted 'costs' to mean the amount paid out on behalf of the Trust in respect of the Obstetrics claims brought against them. Table 2 sets out the amounts paid out by NHS Resolution on behalf of Shrewsbury and Telford Hospital NHS foundation trust to handle and settle obstetric claims between the financial years 2010/11 - 2020/21. For ease of reference, the data in table 2 is set out as displayed in [Factsheet 5](#), which also provides background on the indemnity schemes.

The amounts paid out on behalf of members are broken down into “damages” (the amounts paid to the patient), “NHS legal costs” (the legal costs incurred by NHS Resolution in handling the claim) and “claimant costs” (the legal costs incurred by the patient in bringing the claim, where these are met by the NHS).

The information disclosed includes damages paid out in the relevant period under Periodical payment orders (PPO) previously agreed on cases, which may have been resolved several years ago. It does not include sums, which have been committed on settlements in the relevant period under a PPO, which may not be paid out until future years. PPOs 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 i.e. a percentage of the full value of the claim is paid at the point of settlement with the balance paid at regular intervals over subsequent years.

Please also note that the data shows an increase in damages and costs paid in relation to claims closed in the financial year 2017/18. 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 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. You should still be able to see aggregate/total details for higher level fields containing this data.

Factsheet 5 Data

Factsheet 5 for the financial year 2020/21 is available here: [Factsheet 5 – trust and authority claims data 2020/21 - NHS Resolution](#)

Please note Factsheet 5 will provide individual Trust data on claims numbers and related costs in relation to obstetrics. Please do bear in mind that claims take time to be

identified and reported and therefore their levels cannot be used to indicate current levels of 'safety' as they are likely to be reflective of historical activity.

Please note:

- Factsheet 5 data includes the notification date of the claim – See the comments above about date of claim (it is the date the claim is reported to us rather than incident date) and therefore it is difficult to compare trust data/number of claims by year as these claims could and do range across a number of years;
- Due to the time lags which apply to claims this information is not suitable for comparing / benchmarking trusts from a safety perspective and claims data cannot be used to indicate current 'safety levels' of an organisation;

Other sources that may be helpful:

The Getting It Right First Time data as this benchmarks obstetric claims - [Maternity and Gynaecology - Getting It Right First Time - GIRFT](#)

NHS England and NHS Improvement - [National Reporting and Learning System](#) – reported patient safety incidents by month.

Maternity Incentive Scheme submissions – [the annual MIS results](#).

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](#), Deputy Director of Corporate and Information Governance, Data Protection Officer 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 Claims and incidents received between financial years 2010/11 and 2020/21 for Shrewsbury and Telford Hospital NHS foundation trust, where the primary specialty is Obstetrics.](#)

[Table 2: The amount paid for claims between financial years 2010/11 and 2020/21, for Shrewsbury and Telford Hospital NHS foundation trust, where the primary specialty is Obstetrics.](#)

[Table 3: Analysis of Primary causes for Claims and incidents received between financial years 2010/11 and 2020/21 for Shrewsbury and Telford Hospital NHS foundation trust, where the primary specialty is Obstetrics.](#)

[Table 4: Analysis of Primary injuries for Claims and incidents received between financial years 2010/11 and 2020/21 for Shrewsbury and Telford Hospital NHS foundation trust, where the primary specialty is Obstetrics.](#)

Table 1: Number of Claims and incidents received between financial years 2010/11 and 2020/21 for Shrewsbury and Telford Hospital NHS foundation trust, where the primary specialty is Obstetrics.

Specialty1L1 Obstetrics
Scheme CNST

Financial Year	Claim	Incident	Total
2010/11			
2011/12		#	#
2012/13	8		8
2013/14	10		10
2014/15	9		9
2015/16	8		8
2016/17	9		9
2017/18	12		12
2018/19	5	#	#
2019/20	9	#	#
2020/21	10		10



Table 2: The amount paid for claims between financial years 2010/11 and 2020/21, for Shrewsbury and Telford Hospital NHS foundation trust, where the primary specialty is Obstetrics.

Financial Year	Scheme							
	CNST				ELS			
	Damages	NHS Legal Costs	Claimant Costs	Total All	Damages	NHS Legal Costs	Claimant Costs	Total All
2010/11	1,031,398	89,431	110,000	1,230,829	49,662	-	-	49,662
2011/12	3,768,733	132,109	612,750	4,513,592	49,138	-	-	49,138
2012/13	4,394,867	231,949	707,500	5,334,316	49,235	-	-	49,235
2013/14	3,136,415	160,777	502,000	3,799,191	49,523	-	-	49,523
2014/15	813,774	134,477	535,000	1,483,251	121,915	-	-	121,915
2015/16	4,874,498	198,901	466,600	5,540,000	123,945	-	-	123,945
2016/17	1,338,445	319,899	695,991	2,354,335	128,483	-	-	128,483
2017/18	16,098,635	343,424	1,450,221	17,892,281	131,707	-	-	131,707
2018/19	3,720,753	275,306	1,013,802	5,009,860	136,722	-	-	136,722
2019/20	2,844,137	284,912	1,047,043	4,176,092	141,498	-	-	141,498
2020/21	1,952,102	271,216	420,562	2,643,880	149,379	-	-	149,379

Table 3: Analysis of Primary causes for Claims and incidents received between financial years 2010/11 and 2020/21 for Shrewsbury and Telford Hospital NHS foundation trust, where the primary speciality is Obstetrics.

Primary cause	Number of Claims
Fail / Delay Treatment	23
Fail To Make Resp To Abnrm FHR	8
Inappropriate Treatment	5
Fail To Recog. Complication Of	5
Fail To Monitor 2nd Stg Labour	#
Failure/Delay Diagnosis	#
Perineal Tear-1st,2nd,3rd Deg	#
Other	#
Wrong Diagnosis	#
Unexpected Death	#
Fail Antenatal Screening	#
Inadequate Monitoring Intra-Op	#
Fail To Act On Abnorm Test Res	#
Inadequate Nursing Care	#
Inappropriate Discharge	#
Fail To Warn-Informed Consent	#
Application Of Excess Force	#
Failure To Perform Operation	#
Birth Defects	#
Fail To Correctly Apply Forcep	#
Delay In Performing Operation	#
Intra-Op Problems	#
Bacterial Infection	#
Lack Of Assistance/Care	#
Forceps Delivery	#

Table 4: Analysis of Primary injuries for Claims and incidents received between financial years 2010/11 and 2020/21 for Shrewsbury and Telford Hospital NHS foundation trust, where the primary specialty is Obstetrics.

Primary Injury	Number of Claims
Cerebral Palsy	12
Loss Of Baby	10
Brain Damage	8
Unnecessary Pain	8
Fatality	8
Stillborn	8
Adtn/unnecessary Operation(s)	6
Bowel Damage/ Dysfunction	5
Psychiatric/Psychological Dmge	#
Bladder Damage	#
Respiratory Disorder/ Failure	#
Not Specified	#
Pressure Sores	#
Partial Paralysis	#
Scarring	#
Erb's Palsy	#
Cardiovascular Condition	#
Developmental Delay	#
Meningitis	#
Fracture	#
Unwanted Pregnancy	#
Incontinence	#
Learning Difficulties	#