



# Resolution

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July 2022

FOI\_5482

The following information was requested on 6 July 2022:

- 1. What was the total number of allegations or attempted clinical negligence claims related to stillbirths against NHS trusts in England per annum in the first six months of 2022, 2021, 2020, 2019, 2018, 2017, 2016, 2015, 2014, 2013, 2012 and 2011? Please provide the data broken down by year and NHS trust.*
- 2. What was the total number of successful clinical negligence claims related to stillbirths against NHS trusts in England per annum in the first six months of 2022, 2021, 2020, 2019, 2018, 2017, 2016, 2015, 2014, 2013, 2012 and 2011? Please provide the data broken down by year and NHS trust.*
- 3. What was the total sum paid out in successful and settled clinical negligence claims related to stillbirths against NHS trusts in England per annum in the first six months of 2022, 2021, 2020, 2019, 2018, 2017, 2016, 2015, 2014, 2013, 2012 and 2011? Please provide the data broken down by year and NHS trust.*

## Our Response

Thank you for your request for information. Please note the information for 2021/22 is not yet available. The information for 2021/22 will be available from the end of August 2022. Please contact us at that time to obtain this information.

We are unable to provide details of the total number of allegations related to stillbirths or 'Stillborn', as we do not hold this information. This will be held by the individual Trusts.

We have provided information for the injury: Stillborn between 2010/11 – 2020/21.

**Table 1 shows:-** Number of Clinical Claims and Incidents received between financial years 2010/11 and 2020/21, where primary Injury is 'Stillborn', 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. 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.

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

Please also note that the data shows variation in claims received. 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.

**Table 2 shows:-** Number and Cost of Clinical Claims Closed between financial years 2010/11 and 2020/21 with damages paid (includes the damages paid to date for any claims settled on a periodical payment order basis) where primary Injury is '**Stillborn**', broken down by Trust.

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 variation in damages and costs paid. 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.

### **Breakdown down by financial year and Low Numbers**

We have suppressed low figures and not broken the data down by financial years (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](#), 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/>

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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 2: Number and Cost of Clinical Claims Closed between financial years 2010/11 and 2020/21 with damages paid \(includes the damages paid to date for any claims settled on a periodical payment order basis\) where primary Injury is 'Stillborn', breakdown by Trust.](#)

**Table 1: Number of Clinical Claims and Incidents received between financial years 2010/11 and 2020/21, where primary Injury is 'Stillborn', breakdown by Trust**

Notifications	Y
Clinical_NonClinical	Clinical
Injury1L1	Stillborn

Member	No. of Claims
<b>All Other Trusts with less than 5 Claims (43 Trusts)</b>	91
Mid and South Essex NHS Foundation Trust	28
Lewisham & Greenwich NHS Trust	26
Barts Health NHS Trust	25
Manchester University NHS Foundation Trust	25
The Leeds Teaching Hospitals NHS Trust	25
Mid Yorkshire Hospitals NHS Trust (The)	23
Barking, Havering and Redbridge University Hospitals NHS Trust	23
Nottingham University Hospitals NHS Trust	23
Liverpool Women's Hospital NHS Foundation Trust	21
Birmingham Women's and Children's NHS Foundation Trust	21
King's College Hospital NHS Foundation Trust	21
Bradford Teaching Hospitals NHS Foundation Trust	20
University Hospitals Sussex NHS Foundation Trust	19
East Kent Hospitals University NHS Foundation Trust	19
University Hospitals Birmingham NHS Foundation Trust	18
University Hospitals of Leicester NHS Trust	17
Sandwell & West Birmingham Hospitals NHS Trust	17
Bedfordshire Hospitals NHS Foundation Trust	17
Royal Cornwall Hospitals NHS Trust	16
East Suffolk and North Essex NHS Foundation Trust	16
London North West University Healthcare NHS Trust	16
East Lancashire Hospitals NHS Trust	16
Imperial College Healthcare NHS Trust	15
United Lincolnshire Hospitals NHS Trust	15
University Hospitals of Morecambe Bay NHS Foundation Trust	15
Bolton NHS Foundation Trust	15
University Hospitals of Derby and Burton NHS Foundation Trust	14
Frimley Health NHS Foundation Trust	14
Royal Free London NHS Foundation Trust	13
Homerton University Hospital NHS Foundation Trust	13
North West Anglia NHS Foundation Trust	12
University College London Hospitals NHS Foundation Trust	12
Northern Care Alliance NHS Foundation Trust	12
Kettering General Hospital NHS Foundation Trust	11
Dudley Group NHS Foundation Trust (The)	11
Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust	11
Chelsea & Westminster Hospital NHS Foundation Trust	11
Lancashire Teaching Hospitals NHS Foundation Trust	11
Worcestershire Acute Hospitals NHS Trust	11
University Hospitals Dorset NHS Foundation Trust	10
Hampshire Hospitals NHS Foundation Trust	10
University Hospitals of North Midlands NHS Trust	10
Hull University Teaching Hospitals NHS Trust	10
Hillingdon Hospitals NHS Foundation Trust (The)	10
Northampton General Hospital NHS Trust	10
Milton Keynes Hospital NHS Foundation Trust	10
Royal Berkshire NHS Foundation Trust	10
West Hertfordshire Hospitals NHS Trust	10
Cambridge University Hospitals NHS Foundation Trust	10
York and Scarborough Teaching Hospitals NHS Foundation Trust	10
Portsmouth Hospitals NHS Trust	9
Mid Cheshire Hospitals NHS Foundation Trust	9
Ashford & St Peter's Hospitals NHS Foundation Trust	9
Wirral University Teaching Hospital NHS Foundation Trust	9
East and North Hertfordshire NHS Trust	9
Guy's and St Thomas' NHS Foundation Trust	9
North Cumbria Integrated Care NHS Foundation Trust	9
Barnsley Hospital NHS Foundation Trust	9

**Table 1: Number of Clinical Claims and Incidents received between financial years 2010/11 and 2020/21, where primary Injury is 'Stillborn', breakdown by Trust**

Notifications	Y
Clinical_NonClinical	Clinical
Injury1L1	Stillborn

Member	No. of Claims
Northern Lincolnshire & Goole Hospitals NHS Foundation Trust	9
Newcastle Upon Tyne Hospitals NHS Foundation Trust (The)	8
Gloucestershire Hospitals NHS Foundation Trust	8
University Hospital Southampton NHS Foundation Trust	8
St George's University Hospitals NHS Foundation Trust	8
North Middlesex University Hospital NHS Trust	8
Dartford and Gravesham NHS Trust	8
Buckinghamshire Healthcare NHS Trust	8
Stockport NHS Foundation Trust	8
Sheffield Teaching Hospitals NHS Foundation Trust	8
Shrewsbury and Telford Hospital NHS Trust	8
Norfolk & Norwich University Hospitals NHS Foundation Trust	8
Princess Alexandra Hospital NHS Trust (The)	7
University Hospitals Coventry & Warwickshire NHS Trust	7
University Hospitals Bristol & Weston NHS Foundation Trust	7
South Tyneside and Sunderland NHS Foundation Trust	7
James Paget University Hospitals NHS Foundation Trust	7
East Sussex Healthcare NHS Trust	7
Warrington and Halton Hospitals NHS Foundation Trust	7
Medway NHS Foundation Trust	7
Royal Devon University Healthcare NHS Foundation Trust	6
Maidstone and Tunbridge Wells NHS Trust	6
Oxford University Hospitals NHS Foundation Trust	6
County Durham and Darlington NHS Foundation Trust	6
Walsall Healthcare NHS Trust	6
South Tees Hospitals NHS Foundation Trust	6
St Helens and Knowsley Teaching Hospitals NHS Trust	6
Surrey and Sussex Healthcare NHS Trust	6
Salisbury NHS Foundation Trust	6
Northumbria Healthcare NHS Foundation Trust	6
Department of Health	5
Great Western Hospitals NHS Foundation Trust	5
Yeovil District Hospital NHS Foundation Trust	5
North Bristol NHS Trust	5
University Plymouth Hospitals NHS Trust	5
The Rotherham NHS Foundation Trust	5
Royal Wolverhampton NHS Trust (The)	5
Epsom and St Helier University Hospitals NHS Trust	5
Croydon Health Services NHS Trust	5
Chesterfield Royal Hospital NHS Foundation Trust	5
<b>Grand Total</b>	<b>1,204</b>

**Table 2: Number and Cost of Clinical Claims Closed between financial years 2010/11 and 2020/21 with damages paid (includes the damages paid to date for any claims settled on a periodical payment order basis) where primary Injury is 'Stillborn', breakdown by Trust.**

Closed_Settled	Y
Claim_Outcome_FOI	Damages Paid
Injury1L1	Stillborn
Clinical_NonClinical	Clinical

Member	No. of Claims	Damaged Paid	NHS Legal Costs Paid	Claimant Costs Paid	Total Paid
<b>All Other Trusts with less than 5 Claims (63 Trusts)</b>	152	5,536,154	791,792	5,461,158	11,789,103
Mid and South Essex NHS Foundation Trust	20	718,643	153,722	1,055,531	1,927,897
Lewisham & Greenwich NHS Trust	16	611,815	64,514	514,309	1,190,639
East Suffolk and North Essex NHS Foundation Trust	15	934,619	76,630	619,494	1,630,743
Barking, Havering and Redbridge University Hospitals NHS Trust	15	495,500	76,014	707,631	1,279,145
King's College Hospital NHS Foundation Trust	14	725,515	91,289	728,797	1,545,601
Bedfordshire Hospitals NHS Foundation Trust	14	406,160	65,326	432,452	903,938
Liverpool Women's Hospital NHS Foundation Trust	14	408,701	52,399	422,900	884,000
United Lincolnshire Hospitals NHS Trust	13	439,031	58,403	377,550	874,983
Mid Yorkshire Hospitals NHS Trust (The)	13	398,883	33,138	304,997	737,018
University Hospitals Sussex NHS Foundation Trust	13	517,908	76,126	669,628	1,263,662
East Lancashire Hospitals NHS Trust	13	546,555	79,571	532,300	1,158,426
Sandwell & West Birmingham Hospitals NHS Trust	12	396,000	69,152	394,882	860,034
Barts Health NHS Trust	12	373,500	55,072	464,767	893,339
Manchester University NHS Foundation Trust	12	320,637	40,958	322,099	683,693
The Leeds Teaching Hospitals NHS Trust	11	277,950	49,245	310,853	638,049
Birmingham Women's and Children's NHS Foundation Trust	11	504,480	21,824	336,606	862,910
East Kent Hospitals University NHS Foundation Trust	11	512,361	42,798	424,600	979,759
Royal Cornwall Hospitals NHS Trust	11	479,705	78,109	446,995	1,004,809
Bradford Teaching Hospitals NHS Foundation Trust	11	339,699	83,208	773,420	1,196,327
University Hospitals Birmingham NHS Foundation Trust	10	262,750	26,885	247,892	537,527
Guy's and St Thomas' NHS Foundation Trust	10	694,609	54,949	480,915	1,230,473
Frimley Health NHS Foundation Trust	10	520,750	79,716	536,395	1,136,861
North West Anglia NHS Foundation Trust	10	387,980	21,754	248,250	657,984
Nottingham University Hospitals NHS Trust	10	293,000	34,630	251,750	579,380
University Hospitals of Morecambe Bay NHS Foundation Trust	10	347,000	68,324	426,200	841,524
Royal Berkshire NHS Foundation Trust	9	462,500	50,004	382,176	894,680
University College London Hospitals NHS Foundation Trust	9	537,500	47,722	357,467	942,689
Kettering General Hospital NHS Foundation Trust	9	307,000	36,781	294,270	638,052
Dudley Group NHS Foundation Trust (The)	9	287,250	45,631	348,808	681,689
London North West University Healthcare NHS Trust	9	383,005	33,506	254,992	671,503
Bolton NHS Foundation Trust	9	267,800	31,749	198,771	498,320
University Hospitals of Derby and Burton NHS Foundation Trust	8	933,111	88,989	435,550	1,457,650
Northern Care Alliance NHS Foundation Trust	8	221,739	74,121	419,600	715,460
Chelsea & Westminster Hospital NHS Foundation Trust	8	309,739	93,700	587,510	990,949
Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust	8	203,100	44,259	316,285	563,644
Imperial College Healthcare NHS Trust	8	407,000	50,239	339,533	796,771
University Hospital Southampton NHS Foundation Trust	8	207,500	45,121	282,210	534,832
Worcestershire Acute Hospitals NHS Trust	7	177,750	49,928	244,685	472,363
Lancashire Teaching Hospitals NHS Foundation Trust	7	247,910	21,204	299,355	568,469
Hull University Teaching Hospitals NHS Trust	7	199,866	31,100	238,799	469,764
Barnsley Hospital NHS Foundation Trust	7	177,128	21,405	188,770	387,303
University Hospitals Coventry & Warwickshire NHS Trust	7	307,888	23,885	192,770	524,542
Shrewsbury and Telford Hospital NHS Trust	7	912,000	111,332	381,500	1,404,832
Milton Keynes Hospital NHS Foundation Trust	7	243,346	30,833	260,250	534,429
St George's University Hospitals NHS Foundation Trust	7	270,363	46,910	307,702	624,975
Wirral University Teaching Hospital NHS Foundation Trust	7	310,302	46,470	326,725	683,497
Hillingdon Hospitals NHS Foundation Trust (The)	7	190,000	38,424	310,169	538,593
Homerton University Hospital NHS Foundation Trust	7	134,250	44,275	213,834	392,359
Mid Cheshire Hospitals NHS Foundation Trust	7	225,750	24,141	224,300	474,191
University Hospitals of Leicester NHS Trust	6	429,193	153,994	602,650	1,185,837
Medway NHS Foundation Trust	6	174,720	24,158	188,425	387,303
Royal Free London NHS Foundation Trust	6	448,115	80,428	561,187	1,089,730
East and North Hertfordshire NHS Trust	6	349,950	64,304	304,313	718,567
Hampshire Hospitals NHS Foundation Trust	6	236,596	72,032	401,750	710,378
Northampton General Hospital NHS Trust	6	151,500	37,336	249,750	438,586
University Hospitals of North Midlands NHS Trust	6	185,000	75,348	381,500	641,848
Northern Lincolnshire & Goole Hospitals NHS Foundation Trust	6	178,500	42,383	206,000	426,883
North Middlesex University Hospital NHS Trust	6	261,684	36,268	213,020	510,972

**Table 2: Number and Cost of Clinical Claims Closed between financial years 2010/11 and 2020/21 with damages paid (includes the damages paid to date for any claims settled on a periodical payment order basis) where primary Injury is 'Stillborn', breakdown by Trust.**

Closed_Settled	Y
Claim_Outcome_FOI	Damages Paid
Injury1L1	Stillborn
Clinical_NonClinical	Clinical

Member	No. of Claims	Damaged Paid	NHS Legal Costs Paid	Claimant Costs Paid	Total Paid
East Sussex Healthcare NHS Trust	5	187,081	25,315	269,305	481,700
Cambridge University Hospitals NHS Foundation Trust	5	142,110	31,615	236,900	410,625
Norfolk & Norwich University Hospitals NHS Foundation Trust	5	197,527	14,933	84,067	296,528
Gloucestershire Hospitals NHS Foundation Trust	5	130,000	5,395	103,750	239,145
Calderdale & Huddersfield NHS Foundation Trust	5	144,500	23,176	271,557	439,233
Princess Alexandra Hospital NHS Trust (The)	5	198,000	27,811	245,000	470,811
Warrington and Halton Hospitals NHS Foundation Trust	5	173,500	54,519	314,522	542,541
County Durham and Darlington NHS Foundation Trust	5	142,500	43,467	213,000	398,967
York and Scarborough Teaching Hospitals NHS Foundation Trust	5	241,627	14,445	187,990	444,061
Buckinghamshire Healthcare NHS Trust	5	134,500	26,559	216,000	377,059
Croydon Health Services NHS Trust	5	401,816	57,197	345,379	804,392
<b>Grand Total</b>	<b>758</b>	<b>29,882,120</b>	<b>4,387,961</b>	<b>30,494,466</b>	<b>64,764,547</b>