



Resolution

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June 2024
FOI_6534

The following information was requested on 13 May 2024:

Please can you confirm the number of Maternity deaths of mothers and babies over the last 10 years and the costs of claims. Also, the number of claims declined.

Please can you confirm the number of births which have resulted in mothers being injured during maternity over the last 10 years and the costs of these claims. Also, the number of claims declined.

Please can you confirm the number of births where a child has been harmed at birth over the last 10 years and the costs of these claims. Also, the number of claims declined.

Our Response

Please find attached the requested information. We have provided the information for the financial years 2013/14 – 2022/23 in relation to the specialty **Obstetrics**.

NB: We have recently changed the way we report on our FOIs to align better with our published documents. Streamlining our reporting on FOIs with our annual published reports may mean a variation in snapshot dates. This means this data may not align with previous similar requests and it may not be possible for you to compare this information with a previous request. For further information, please refer to <https://resolution.nhs.uk/resources/understanding-nhs-resolution-data>.

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 and close. **They are not guaranteed to be settled and closed in the same year.** As such, there will be a time gap between incident and claim closure.

Due to the way in which data is extracted, it is also possible that the same claim may appear more than once in a dataset, across different year groups e.g. where the case has been closed (as nil damages payment), challenged, reopened and closed again at conclusion.

The data shows variation in numbers of cases received, closed per year and costs attributed to those claims. This is a reflection of the nature of individual claims received and resolved by NHS Resolution, which can vary significantly. As such, these fluctuations cannot be interpreted as trends.

We have provided data on clinical cases only.

Table 1 shows: - Number of Clinical Claims and Incidents received between financial years 2013/14 and 2022/23 where the 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.

Table 2 shows: - Number and Cost of Clinical Claims closed between financial years 2013/14 and 2022/23 with a damages payment, where the Specialty is '**Obstetrics**', and any injury is 'Fatality' for the Mother (based on age of the patient at incident date). The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

For tables **2- 5** - Please note that we have not used the World Health Organisation definition of Maternal death which is: Death of a woman while pregnant or within 42 days of the end of the pregnancy from any cause related to or aggravated by the pregnancy or its management, but not from accidental or incidental causes. To do so would require a manual review of individual claims file and this would likely exceed the FOI Cost limit. Rather we have focused on Obstetrics related claims and any deaths associated with these claims.

Table 3 shows: - Number and Cost of Clinical Claims Closed between financial years 2013/14 and 2022/23 with a damages payment, where the Specialty is '**Obstetrics**' and any injury is 'Fatality' for the baby (based on age of the patient at incident date). The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

Table 4 shows: - Number of Clinical Claims Closed between financial years 2013/14 and 2022/23 with **Nil** damages, where the Specialty is '**Obstetrics**' and any primary injury is 'Fatality' for the Mother (based on age of the patient at incident date).

Table 5 shows: - Number of Clinical Claims Closed between financial years 2013/14 and 2022/23 with **Nil** damages, where the Specialty is '**Obstetrics**' and any injury is 'Fatality' for the baby (based on age of the patient at incident date).

Table 6 shows: - Number and Cost of all Clinical Claims closed (or settled with a periodical payment order) between financial years 2013/14 and 2022/23 with a

damages payment, where the Specialty is '**Obstetrics**' for the Mother (based on age of the patient at incident date). The data includes the damages paid and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

Table 7 shows: - Number and Cost of all Clinical Claims closed (or settled with a periodical payment order) between financial years 2013/14 and 2022/23 with a damages payment, where the Specialty is '**Obstetrics**' for the Baby (based on age of the patient at incident date). The data includes the damages paid and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

Table 8 shows: - Number of all Clinical Claims closed between financial years 2013/14 and 2022/23 with **Nil** damages, where the Specialty is '**Obstetrics**' for the Mother (based on age of the patient at incident date).

Table 9 shows: - Number of all Clinical Claims closed between financial years 2013/14 and 2022/23 with **Nil** damages, where the Specialty is '**Obstetrics**' for the baby (based on age of the patient at incident date).

PPOs

The information disclosed includes damages and costs paid up to the end of the settlement year (in Periodical payment order (PPO) cases) and up to the end of the closure year in non-PPO cases.

PPOs are an agreement between the parties, to pay an initial lump sum and regular future payments (PPO damages) related to the injured party's ongoing needs, usually care for life i.e., a percentage of the full value of the claim is paid at the point of settlement (lump sum damages) with the balance paid at regular intervals over subsequent years. The information disclosed includes lump sum damages, costs and any PPO damages paid up to the end of the year of settlement. It does not include PPO damages, which have been committed to but due to be paid after the settlement year.

Further to our obligations to provide advice and assistance, you may find it helpful to review the work of the [Getting It Right First Time team](#) with whom NHS Resolution has been working with to undertake in-depth analysis of our claims data. They have produced a number of [reports](#) from analysing our claims data which has been shared following approval of the confidentiality advisory group to the use of confidential patient information for this purpose.

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 Clinical Claims and Incidents received between financial years 2013/14 and 2022/23 where the Specialty is 'Obstetrics'.

Table 2: Number and Cost of Clinical Claims closed between financial years 2013/14 and 2022/23 with a damages payment, where the Specialty is 'Obstetrics', the and any injury is 'Fatality' for the Mother (based on age of the patient at incident date). The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

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TABLE OF CONTENTS

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Table 7: Number and Cost of all Clinical Claims closed (or settled with a periodical payment order) between financial years 2013/14 and 2022/23 with a damages payment, where the Specialty is 'Obstetrics' for the Baby (based on age of the patient at incident date). The data includes the damages paid and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

Table 8: Number of all Clinical Claims closed between financial years 2013/14 and 2022/23 with Nil damages, where the Specialty is 'Obstetrics' for the Mother (based on age of the patient at incident date).

Table 9: Number of all Clinical Claims closed between financial years 2013/14 and 2022/23 with Nil damages, where the Specialty is 'Obstetrics' for the baby (based on age of the patient at incident date).

Table 1: Number of Clinical Claims and Incidents received between financial years 2013/14 and 2022/23 where the Specialty is 'Obstetrics'.

FOI View	Notified
Clinical	Clinical

Year of Notification	No. of Claims
2013/14	1,292
2014/15	1,193
2015/16	1,114
2016/17	1,116
2017/18	1,091
2018/19	1,076
2019/20	1,013
2020/21	1,157
2021/22	1,243
2022/23	1,392
Grand Total	11,687

Table 2: Number and Cost of Clinical Claims closed between financial years 2013/14 and 2022/23 with a damages payment, where the Specialty is 'Obstetrics', the and any injury is 'Fatality' for the Mother (based on age of the patient at incident date). The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

FOI View	Closed Settled
ConcatInjuryAll	(Multiple Items)
Clinical	Clinical
Claim_Outcome	Successful
Mother Child	Mother

Year of Closure	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2013/14	39	7,622,969	613,791	3,149,487	11,386,248
2014/15	45	5,333,868	473,260	2,633,177	8,440,304
2015/16	25	1,302,738	211,269	1,260,211	2,774,218
2016/17	27	3,430,892	516,787	2,558,338	6,506,017
2017/18	31	4,705,083	532,645	3,304,789	8,542,516
2018/19	22	2,886,430	350,804	1,563,378	4,800,612
2019/20	22	5,211,820	493,767	1,851,449	7,557,036
2020/21	30	7,597,653	536,132	2,180,750	10,314,536
2021/22	25	7,300,879	525,164	2,267,375	10,093,418
2022/23	23	2,899,133	340,520	1,509,195	4,748,848
Grand Total	289	48,291,466	4,594,139	22,278,148	75,163,753

Table 3: Number and Cost of Clinical Claims Closed between financial years 2013/14 and 2022/23 with a damages payment, where the Specialty is 'Obstetrics' and any injury is 'Fatality' for the baby (based on age of the patient at incident date). The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

FOI View	Closed Settled
Clinical	Clinical
ConcatInjuryAll	(Multiple Items)
Claim_Outcome	Successful
Mother Child	Baby

Year of Closure	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2013/14	25	1,547,513	134,552	1,209,720	2,891,785
2014/15	35	2,201,094	269,812	2,389,769	4,860,675
2015/16	31	1,150,741	283,066	1,850,891	3,284,699
2016/17	45	2,142,862	363,985	2,186,545	4,693,393
2017/18	44	2,563,732	522,206	2,817,767	5,903,705
2018/19	37	1,827,521	457,130	1,895,244	4,179,895
2019/20	49	3,546,170	784,314	3,299,636	7,630,120
2020/21	45	3,089,139	573,194	2,629,829	6,292,162
2021/22	56	5,140,118	1,252,877	4,632,012	11,025,007
2022/23	50	4,518,890	733,775	2,925,734	8,178,400
Grand Total	417	27,727,780	5,374,913	25,837,148	58,939,841

Table 4: Number of Clinical Claims Closed between financial years 2013/14 and 2022/23 with Nil damages, where the Specialty is 'Obstetrics' and any primary injury is 'Fatality' for the Mother (based on age of the patient at incident date).

FOI View	Closed Settled
ConcatInjuryAll	(Multiple Items)
Clinical	Clinical
Claim_Outcome	Unsuccessful
Mother Child	Mother

Year of Closure	No. of Claims
2013/14	18
2014/15	18
2015/16	24
2016/17	23
2017/18	14
2018/19	18
2019/20	10
2020/21	7
2021/22	16
2022/23	8
Grand Total	156

Table 5: Number of Clinical Claims Closed between financial years 2013/14 and 2022/23 with Nil damages, where the Specialty is 'Obstetrics' and any injury is 'Fatality' for the baby (based on age of the patient at incident date).

FOI View	Closed Settled
Claim_Outcome	Unsuccessful
Clinical	Clinical
ConcatInjuryAll	(Multiple Items)
Mother Child	Baby

Year of Closure	No. of Claims
2013/14	15
2014/15	28
2015/16	18
2016/17	18
2017/18	15
2018/19	19
2019/20	14
2020/21	14
2021/22	19
2022/23	29
Grand Total	189

Table 6: Number and Cost of all Clinical Claims closed (or settled with a periodical payment order) between financial years 2013/14 and 2022/23 with a damages payment, where the Specialty is 'Obstetrics' for the Mother (based on age of the patient at incident date). The data includes the damages paid and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

FOI View	Closed Settled
Clinical	Clinical
Claim_Outcome	Successful
Mother Child	Mother

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2013/14	460	39,333,039	3,718,313	19,991,217	63,042,569
2014/15	456	27,268,654	3,563,243	21,604,975	52,436,873
2015/16	418	30,816,840	3,911,607	22,123,236	56,851,683
2016/17	489	43,906,674	5,766,951	29,303,118	78,976,742
2017/18	511	52,576,998	6,536,073	31,887,390	91,000,461
2018/19	482	56,335,108	5,499,836	27,779,739	89,614,684
2019/20	531	63,585,587	6,488,334	28,516,692	98,590,613
2020/21	456	83,603,322	6,018,465	26,260,043	115,881,830
2021/22	534	104,671,722	6,994,097	30,585,542	142,251,361
2022/23	448	82,425,308	5,929,338	27,179,536	115,534,181
Grand Total	4,785	584,523,252	54,426,257	265,231,488	904,180,996

Table 7: Number and Cost of all Clinical Claims closed (or settled with a periodical payment order) between financial years 2013/14 and 2022/23 with a damages payment, where the Specialty is 'Obstetrics' for the Baby (based on age of the patient at incident date). The data includes the damages paid and legal costs paid up until the end of each relevant financial year of closure, or for PPO matters, year of settlement.

FOI View	Closed Settled
Claim_Outcome	Successful
Mother Child	Baby
Clinical	Clinical

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2013/14	208	260,031,397	12,711,868	30,321,532	303,064,797
2014/15	194	199,813,997	12,323,202	27,217,069	239,354,268
2015/16	173	214,421,457	12,875,500	32,838,761	260,135,717
2016/17	219	236,670,182	13,624,060	33,864,083	284,158,325
2017/18	217	396,351,242	15,045,137	39,958,559	451,354,937
2018/19	230	546,120,126	19,778,912	49,777,082	615,676,119
2019/20	230	428,448,078	15,893,641	43,007,526	487,349,245
2020/21	207	410,396,503	15,768,244	41,133,182	467,297,928
2021/22	220	385,273,236	14,514,923	46,076,677	445,864,836
2022/23	228	490,125,839	18,671,977	55,532,424	564,330,240
Grand Total	2,126	3,567,652,056	151,207,463	399,726,893	4,118,586,413

Table 8: Number of all Clinical Claims closed between financial years 2013/14 and 2022/23 with Nil damages, where the Specialty is 'Obstetrics' for the Mother (based on age of the patient at incident date).

FOI View	Closed Settled
Claim_Outcome	Unsuccessful
Mother Child	Mother
Clinical	Clinical

Year of Closure	No. of Claims
2013/14	277
2014/15	343
2015/16	327
2016/17	351
2017/18	274
2018/19	280
2019/20	245
2020/21	181
2021/22	202
2022/23	221
Grand Total	2,701

Table 9: Number of all Clinical Claims closed between financial years 2013/14 and 2022/23 with Nil damages, where the Specialty is 'Obstetrics' for the baby (based on age of the patient at incident date).

FOI View	Closed Settled
Claim_Outcome	Unsuccessful
Mother Child	Baby
Clinical	Clinical

Year of Closure	No. of Claims
2013/14	245
2014/15	216
2015/16	198
2016/17	210
2017/18	203
2018/19	195
2019/20	176
2020/21	169
2021/22	237
2022/23	339
Grand Total	2,188