

Dear

FREEDOM OF INFORMATION – COMPLAINTS AND CLAIMS

I write in response to your request for information in relation to complaints and claims.

Question:

- Number of complaints about maternity services per year over the last 5 years, broken down by:
 - Issue type (clinical care, communication, attitude/behaviour, consent, postnatal support, mental health, etc.).
 - Outcome (upheld, partially upheld, not upheld).

Answer:

Please find below data from Datix relating to maternity complaints for the requested period.

A few points to note for context:

- The issue data reflects the total number of issues recorded. Individual complaint files can contain multiple issues, therefore totals within issue categories will not match the overall number of complaints received.
- Outcome categories are reported as recorded within Datix. These include investigation outcomes (upheld, partially upheld, not upheld) as well as administrative closures such as withdrawn complaints and cases where consent to investigate was not received.
- Data for 2026 is incomplete, with 17 complaints still open at the time of reporting.

The information has been extracted using standard Datix reporting functions

Outcome Code	2021	2022	2023	2024	2025	2026	Total
Consent not received	0	5<	5<	0	5<	5<	8
Withdrawn	5<	5<	6	7	5<	0	21
Upheld	32	38	25	36	59	0	190
Partly Upheld	33	43	48	40	35	0	199
Not Upheld	9	6	13	19	28	0	75

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Chair Professor John Connaghan CBE
 Chief Executive Professor Caroline Hiscox
 Lothian NHS Board is the common name of Lothian Health Board



Issue	2021	2022	2023	2024	2025	2026	Total
Attitude and behaviour	29	46	36	45	50	6	212
Shortage / availability	5<	5<	5<	5<	5<	0	11
Communication (written)	5<	5<	5<	5<	6	5<	20
Communication (oral)	18	18	19	29	31	5<	*
Competence	17	20	25	27	42	5<	*
Date for appointment	5<	5<	5<	5<	5<	0	8
Outpatient and other clinics	5<	0	0	0	0	0	5<
Aids / appliances / equipment	5<	5<	0	5<	0	0	5<
Catering	5<	5<	5<	0	5<	0	5<
Patient privacy / dignity	5<	5<	0	0	2	0	6
Personal records	5<	5<	5<	0	0	0	8
Failure to follow agreed procedures	5<	0	0	5<	5<	5<	7
Clinical treatment	52	67	70	65	89	11	354
Consent to treatment	5<	5<	5<	5<	5<	0	8
Date of admission / attendance	0	5<	0	5<	5<	0	5<
Test results	0	5<	0	0	0	0	5<
Admissions / transfers / discharge procedure	0	5<	0	5<	5<	5<	8
Premises	0	5<	5<	5<	0	0	5<
Cleanliness / laundry	0	5<	0	0	0	5<	5<
Complaint Handling	0	0	5<	5<	0	0	5<
Patient status	0	0	5<	0	0	0	5<
Policy & commercial decisions of NHS board	0	0	0	5<	5<	0	5<
Patient property / expenses	0	0	0	0	5<	0	5<
Other	0	0	0	0	5<	0	5<
Total	129	178	165	185	239	25	921

Question:

- Number of clinical negligence claims relating to maternity and neonatal care opened and settled each year since 2010, with:
 - Broad incident category (e.g. intrapartum hypoxia, delayed Caesarean, shoulder dystocia, perineal trauma, stillbirth).
 - Total and average settlement values by category (you may get banded ranges if they claim cost limits).

Answer:

Points to note on the response:

- As the legal process often takes considerable time to complete, particularly for complex cases, claims received within a given year are often not resolved within the same year they are received.

For the data provided, “Opened” and “Settled” figures for any given year are therefore not linked.

- We do not categorise Claims in the same way as Adverse Events, this information is not available within our claims management system. (We have a text field only that describing the nature of the claim, location where it occurred etc).

To provide this information would require manually cross referencing each record within the Adverse Event Management System, and generally not every claim will have an associated adverse event reported.

Calender Yr	Claims - Opened	Claims - Settled	Value of Yrly - Closed Claims (incl. Pursuers Expenses / DWP / Board Fees & Outlays)	Yrs Average - Closed Claims (incl. Pursuers Expenses / DWP / Board Fees & Outlays)
2010	5<	5<	£5,570,946.14	£5,570,946.14
2011	5<	5<	£8,351,307.72	£4,175,653.86
2012	5<	0	-	-
2013	5<	0	-	-
2014	5<	5<	£10,835,798.49	£3,611,932.83
2015	5<	5<	£3,466,470.20	£1,733,235.10
2016	5<	5<	£93,269.93	£46,634.97
2017	5<	5<	£89,122.17	£44,561.09
2018	6	5<	£154,989.20	£154,989.20
2019	8	5<	£48,186.23	£48,186.23
2020	12	5<	£2,905,712.50	£968,570.83
2021	5<	5<	£1,279,028.62	£639,514.31
2022	5<	5<	£5,835,939.77	£1,167,187.95
2023	5<	5<	£961,391.29	£240,347.82
2024	0	5<	£126,794.94	£63,397.47
2025	5<	5<	£13,443,378.00	£3,360,844.50

To protect the identity of the individuals involved any figure of 5 or less has not been shown in the tables above. Since we do not have their consent to release this data from their records, the information is exempt under section 38(1)(b) of the Freedom of Information (Scotland) Act i.e. to provide it would breach the Data Protection Act (2018). *Combined figures have also not been provided when individual numbers are less than five.

Question:

- Any internal guidance, policies or briefing notes on:

- Media handling, social media, and engagement with campaign groups relating to maternity services.
- How staff are advised to deal with families who are pursuing complaints, FOIs or legal action.

Answer:

There are no policies, guidance or briefing notes in relation to media handling, social media, and engagement with campaign groups relating to maternity services.

I hope the information provided helps with your request.

If you are unhappy with our response to your request, you do have the right to request us to review it. Your request should be made within 40 working days of receipt of this letter, and we will reply within 20 working days of receipt. If our decision is unchanged following a review and you remain dissatisfied with this, you then have the right to make a formal complaint to the Scottish Information Commissioner within 6 months of receipt of our review response. You can do this by using the Scottish Information Commissioner's Office online appeals service at www.itspublicknowledge.info/Appeal. If you remain dissatisfied with the Commissioner's response you then have the option to appeal to the Court of Session on a point of law.

If you require a review of our decision to be carried out, please write to the FOI Reviewer at the email address at the head of this letter. The review will be undertaken by a Reviewer who was not involved in the original decision-making process.

FOI responses (subject to redaction of personal information) may appear on NHS Lothian's Freedom of Information website at: <https://org.nhslothian.scot/FOI/Pages/default.aspx>

Yours sincerely

ALISON MACDONALD
Executive Director, Nursing
Cc: Chief Executive