

Dear

FREEDOM OF INFORMATION – MATERNITY CLAIMS

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

Question:

- Please include the following information for the following years 2022/23, 2023/24, 2024/25 and 2025/26
- The total value of compensation claims paid in respect of maternity claims, please include a break down by: Claimant costs, The Trust’s legal costs
- Total number of maternity compensation claims made, broken down by: Settled with admission of liability, Settled without admission of liability, Failed claims

Answer:

Calendar Year	Number of Claims Settled	Damages / Settlement (including any payment to DWP)	Claimants Costs	NHS Lothian Costs	Total	Number of Claims Settled with liability, Settled without liability, Failed Claims
2022/23	5<		£253,586.91	£161,660.39	£415,247.30	5< Settled - no liability, 5< Failed claim
2023/24	5<		£166,061	£287,596.10	£453,657.10	5< Settled with liability, 5< settled without liability, 0 Failed claims
2024/25	6		£845,515	£523,622.89	£1,369,137.89	5< Settled with liability, 5< settled without liability, 0 Failed claims
2025/26	5<		£21,123.80	£9,504.85	£30,628.65	5< Settled without liability, 0 Failed claims

Question:

- Total number of maternity claims currently open or in progress

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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



Answer:

There are 15.

Question:

- A breakdown of the reasons for maternity compensation claims and the number of cases that fell into each category

Answer:

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).

Question:

- For each year please provide the largest maternity compensation claim including information on: Total damages paid, The category of the maternal injury

Answer:

This is unable to be provided as this may lead to patients being identified.

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