

09 July 2024

Kia ora

Your Official Information Act request, reference: GOV-032777

Thank you for your email of 27 May 2024, to Te Whatu Ora, asking for the following information under the Official Information Act 1982 (the Act):

Since October 1 2022:

- 1. the number of babies who were injured during childbirth?*
- 2. Please provide the same number for c-section births (if ventouse or forceps were used in c-section please state)*
- 3. In the case of injuries, please state what the injuries were or the seriousness of the injuries (separate out by type of birth eg ventouse, forceps, c-section, all of the above)*
- 4. In the case of injuries, please state if the baby survived past 30 days*
- 5. In the case of injuries, please state whether any of the babies suffered ongoing conditions (please state conditions or disabilities)*

On 10 June, in accordance with section 14 of the Act, Te Whatu Ora transferred your request to ACC.

Background information about treatment injury data

A treatment injury is a personal injury caused as a result of seeking or receiving medical treatment from a registered health professional. In order to fulfil the criteria for cover, the person must have suffered a personal injury and there must be a clear causal link between the treatment and the injury, and the injury must not be a necessary part or ordinary consequence of the treatment.

Treatment injuries to babies during birth

Treatment injury data provided with this response was extracted on 24 June 2024 and includes claims lodged between 1 October 2022 and 24 June 2024. There are 227 decided treatment injury claims in the maternity treatment context that were lodged between 1 October 2022 and 24 June 2024 and for babies. Of these, 177 claims were accepted.

There are 38 decided claims with caesarean section recorded as the treatment event causing the injuries. Please find the number of accepted and declined claims for birth injuries to babies in Table 1 below.

Table 1: Treatment injury claims lodged for babies in the maternity treatment context, by treatment event

Cover Decision	Caesarean section	Other Treatment Events*	Total
Accept	33	144	177
Decline	5	45	50
Total	38	189	227

*Other treatment events include: delay in delivery, delay/failure to diagnose, forceps delivery, labour, normal vaginal birth, shoulder dystocia, ventouse delivery and other events.

Of the 177 accepted claims, fewer than four claims were for babies who didn't survive past 30 days.

Primary injury and treatment event

Table 2 in the attached spreadsheet provides the number of accepted treatment injury claims lodged for babies in the maternity treatment context, broken down by primary injury and treatment event.

Injury severity

ACC does not have a specific measure for severity. However, the overall cost of a claim can provide a very broad indication of the severity of the injury. Table 3 in the appendix shows the number of accepted claims grouped by the total payments made per claim, broken down by treatment event. Noting our comments, this information should be considered as indicative only.

Please note the following treatment event categories have been combined under the category “other”: delay/failure to diagnose, delay in delivery, delay/failure to provide treatment, medication – other, equipment – other, breech delivery, failure to monitor and other.

Publicly available information about injuries to the baby during childbirth

Te Whatu Ora records the number of publicly funded hospital discharges with a primary diagnosis of Birth trauma. This data is published as part of the hospital events webtool: <https://www.tewhatuora.govt.nz/for-health-professionals/data-and-statistics/nz-health-statistics/health-statistics-and-data-sets/hospital-surgical-activity/hospital-events-web-tool/>.

At present the most recent year published is for financial year 2020/21, although the 2021/22 data will be published before the end of the year. The following codes in the dataset are related to birth trauma:

- P10 Intracranial laceration and haemorrhage due to birth trauma
- P11 Other birth trauma to central nervous system
- P12 Birth trauma to scalp
- P13 Birth trauma to skeleton
- P14 Birth trauma to peripheral nervous system
- P15 Other birth trauma

Privacy considerations

We are refusing to provide a breakdown of payments per claim by all treatment events. We have also only specified the number of claims for babies who didn't survive past 30 days is fewer than four.

We have done so as a precaution against the possibility that individual clients may be identified. This measure has been taken to protect individual privacy and is made under section 9(2)(a) of the Act. In making this decision, we have determined that the public interest in the figures does not outweigh the privacy interests protected.

Ongoing conditions

ACC does not routinely record if the injury is an ongoing condition for a client in our database. As information about any ongoing impact of the injury is not readily available, we could only identify this information by considering the clinical information held on individual claim files. Therefore, we are refusing to provide this information as identifying it would require a substantial amount of research and collation. This decision is made under section 18(f) of the Act.

We considered whether charging you or significantly extending the response time (as allowed under the Act) would enable us to grant your request. However, we determined that neither of these options would enable us to avoid an unreasonable interference with ACC's operations.

We can, however, tell you that none of the claims in the dataset have a serious injury profile. A serious injury profile indicates the claim is likely to have a lifelong relationship with ACC. Please note however that this indicator could change in future.

As this information may be of interest to other members of the public

ACC has decided to proactively release a copy of this response on ACC's website. All requester data, including your name and contact details, will be removed prior to release. The released response will be made available www.acc.co.nz/resources/#/category/12.

If you have any questions about this response, please get in touch

You can email me at GovernmentServices@acc.co.nz.

If you are not happy with this response, you can also contact the Ombudsman via info@ombudsman.parliament.nz or by phoning 0800 802 602. Information about how to make a complaint is available at www.ombudsman.parliament.nz.

Ngā mihi



Christopher Johnston
Manager Official Information Act Services
Government Engagement

Table 1: Accepted treatment injury claims lodged for babies in the maternity treatment context, by primary injury and treatment event

Primary Injury	Forceps Delivery	Caesarean Section	Ventouse Delivery	Normal Vaginal Birth	Shoulder Dystocia	Labour	Delay/Failure to Diagnose	Delay in Delivery	Delay/Failure to Provide Treatment	Medication - Other	Equipment - other	Breech Delivery	Failure to Monitor	Other	Total
Contusion	10	2	4	3	0	0	0	0	0	0	0	0	0	0	19
Laceration/tear	3	11	1	0	0	0	0	0	0	0	1	0	0	0	16
Fracture - Thoracic/Rib/Clavicle	3	0	2	6	3	1	0	0	0	0	0	0	0	0	15
Strain/Sprain - Neck	6	2	5	1	0	0	0	0	0	0	0	0	0	1	15
Brachial Plexus Damage/Injury	1	2	2	1	6	1	0	0	0	0	0	0	0	0	13
Fracture - Arm/Hand	0	2	2	3	4	0	0	0	0	0	0	1	0	0	12
Haematoma - other	1	1	9	0	0	0	0	0	0	0	0	0	0	0	11
Hypoxic Ischaemic Encephalopathy	0	1	0	0	0	0	2	3	3	0	0	0	0	0	9
Nerve Damage	5	1	0	1	1	0	0	0	0	0	0	0	0	0	8
Facial Palsy	6	0	0	1	0	0	0	0	0	0	0	0	0	0	7
Fracture - Skull	2	4	0	0	0	1	0	0	0	0	0	0	0	0	7
Haematoma - Bruising	3	0	2	0	0	0	0	0	0	0	0	0	0	0	5
Skin Abrasion	3	2	0	0	0	0	0	0	0	0	0	0	0	0	5
Haemorrhage - Other	2	0	2	0	0	0	0	0	0	0	0	0	0	0	4
Brain Damage/Injury	0	1	0	0	0	1	1	0	0	0	0	0	0	0	3
Nerve Damage - Compression	3	0	0	0	0	0	0	0	0	0	0	0	0	0	3
Shoulder Damage/Injury	0	0	0	3	0	0	0	0	0	0	0	0	0	0	3
Abrasion - Other	1	1	0	0	0	0	0	0	0	0	0	0	0	0	2
Fracture - Leg/Foot	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2
Strain/Sprain - Other	1	0	0	0	1	0	0	0	0	0	0	0	0	0	2
Cardiac Arrest	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1
Cellulitis	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Cerebral Palsy	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
Fat Necrosis	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Foetal valproate syndrome	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1
Fracture - Facial	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Liver Damage/Injury/Failure	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
Renal Injury	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
Septicaemia	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1
Skin Damage/Injury/Tear	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Strain/Sprain - Back	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Subarachnoid Haemorrhage	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Temporomandibular Joint (TMJ) Dysfunction	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Tissue injury / damage	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Other	0	0	0	0	2	0	0	0	0	0	0	0	0	0	2
Total	54	33	31	19	17	5	5	4	3	1	1	1	1	2	177

Table 2: Accepted claims lodged for babies in the maternity treatment context, by payment per claim and treatment event

Payment Band	Forceps Delivery	Caesarean Section	Ventouse Delivery	Normal Vaginal Birth	Shoulder Dystocia	Labour	Other*	Total
No payment to date	6	6	5	2	1	0	0	20
\$1 - \$999	46	25	25	17	12	5	5	135
\$1,000 - \$4,999	1	1	0	0	4	0	6	12
\$5,000 - \$9,999	0	1	0	0	0	0	3	4
Over \$10,000	1	0	1	0	0	0	4	6
Total	54	33	31	19	17	5	18	177

*combines all remaining treatment events from Table 2 (Delay/failure to diagnose, etc...)

Table 1: Accepted treatment injury claims lodged for babies in the maternity treatment context, by primary injury and treatment event

Primary Injury	Forceps Delivery	Caesarean Section	Ventouse Delivery	Normal Vaginal Birth	Shoulder Dystocia	Labour	Delay/Failure to Diagnose	Delay in Delivery	Delay/Failure to Provide Treatment	Medication - Other	Equipment - other	Breech Delivery	Failure to Monitor	Other	Total
Contusion	10	2	4	3	0	0	0	0	0	0	0	0	0	0	19
Laceration/tear	3	11	1	0	0	0	0	0	0	0	1	0	0	0	16
Fracture - Thoracic/Rib/Clavicle	3	0	2	6	3	1	0	0	0	0	0	0	0	0	15
Strain/Sprain - Neck	6	2	5	1	0	0	0	0	0	0	0	0	0	1	15
Brachial Plexus Damage/Injury	1	2	2	1	6	1	0	0	0	0	0	0	0	0	13
Fracture - Arm/Hand	0	2	2	3	4	0	0	0	0	0	0	1	0	0	12
Haematoma - other	1	1	9	0	0	0	0	0	0	0	0	0	0	0	11
Hypoxic Ischaemic Encephalopathy	0	1	0	0	0	0	2	3	3	0	0	0	0	0	9
Nerve Damage	5	1	0	1	1	0	0	0	0	0	0	0	0	0	8
Facial Palsy	6	0	0	1	0	0	0	0	0	0	0	0	0	0	7
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Skin Abrasion	3	2	0	0	0	0	0	0	0	0	0	0	0	0	5
Haemorrhage - Other	2	0	2	0	0	0	0	0	0	0	0	0	0	0	4
Brain Damage/Injury	0	1	0	0	0	1	1	0	0	0	0	0	0	0	3
Nerve Damage - Compression	3	0	0	0	0	0	0	0	0	0	0	0	0	0	3
Shoulder Damage/Injury	0	0	0	3	0	0	0	0	0	0	0	0	0	0	3
Abrasion - Other	1	1	0	0	0	0	0	0	0	0	0	0	0	0	2
Fracture - Leg/Foot	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2
Strain/Sprain - Other	1	0	0	0	1	0	0	0	0	0	0	0	0	0	2
Cardiac Arrest	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1
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Cerebral Palsy	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
Fat Necrosis	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
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Liver Damage/Injury/Failure	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
Renal Injury	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
Septicaemia	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1
Skin Damage/Injury/Tear	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Strain/Sprain - Back	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
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Tissue injury / damage	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
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