

Reference:	FOI.1988 (revised response)
Subject:	Clinical Negligence Claims
Date of Request:	20 November 2019

Requested:

1. Could you tell me how much money has Hywel Dda Health Board paid out in the last ten years in compensation following upheld complaints from patients and their families over clinical negligence and breaches of duty of care?
2. Could you also list the reasons and their corresponding settlement?

If this query exceeds the cost of compliance limit, could you instead limit it to the past five years?

Response:

1. Hywel Dda University Health Board (the Health Board) is unable to provide all the information requested, as it is estimated that the cost of answering your request would exceed the “appropriate level” as stated in the Freedom of Information (Fees and Appropriate Limit) Regulations 2004. The “appropriate level” represents the estimated cost of one person spending 18 hours or (2 ½ working days) in determining whether the UHB holds the information, and locating, retrieving and extracting the information.

The Health Board has asked the Legal & Risk service to provide the data in relation to the number of cases involving negligence claims. The organisation instructs Legal & Risk to manage negligence claims on its behalf, with oversight and governance remaining locally within the Health Board. The Health Board is unable to provide the department or details on the dates that each claims was received and settled as this information would have to be manually sourced from case files. During the requested timeframe the Health Board received 904 new claims, it is therefore estimated that collecting the requested information would cost:

904 @ 15 minutes per claim = 226 hours
 226 hours @ £25 per hours = £5,650

The UHB is therefore applying an exemption under Section 12 of the Freedom of Information Act 2000, which provides an exemption from a public authority’s obligation to comply with a request for information where the cost of compliance is estimated to exceed the *appropriate limit*.

Under section 16 of the Freedom of Information Act, the Health Board has an obligation to provide advice and assistance. The information provided within the table below relates to new negligence claims received each year and the number of negligence claims settled each year. Due to the length of time claims take to be investigated, no correlation can be drawn between the new claims and settled claims each year. Additionally, a number of claims are successfully defended, with no damages paid by the NHS.

Financial Year	Total compensation paid
2009/10	£1,141,171.35
2010/11	£2,784,649.75

2011/12	£4,504,969.26
2012/13	£5,131,541.60
2013/14	£5,842,949.79
2014/15	£9,565,085.77
2015/16	£4,361,818.10
2016/17	£5,315,513.45
2017/18	£3,376,985.23
2018/19	£11,007,703.90