

Reference:	FOI.17924.25
Subject:	Compensation claims and settlements
Date of Request:	29 July 2025

Requested:

I would like to request for the last three financial years:

1. The total sum paid out in anything that could be described as a compensation payment and or settlement for recognition of loss, suffering, or injury or similar.
2. The number of such payouts that also required a 'Non Disclosure' style agreement either by request of your entity or other parties.
3. The top five total payments (total figure each), not disclosing the recipient, along with any meta information on the reason for the payment.
4. The total number of claims made, with detail on if they are resolved / pending / active or similar.
5. A relevant breakdown where possible to the nature or category of the claims e.g. Employment, potholes, injury.
6. The total number of claims made by your entity staff where known.
7. The total number of claims made by members of the public or non-staff where known.

Response:

Hywel Dda University Health Board (UHB) is unable to provide you with some of the requested information as there is a potential risk of identifying individuals if this was disclosed. The UHB is therefore withholding the following details under Section 40(2) of the FoIA:

- The information requested for question 2, due to the low number of cases (less than 5)
- The information requested for question 4 broken down by financial year and excluding the number of claims relating to Employment Tribunal/Settlement/ COT3 Agreements, due to the low number of cases (less than 5)
- The total number of cases requested for question 6, as they could be used to calculate the number of claims relating to Employment Tribunal/Settlement/ COT3 Agreements.

Additionally, it is not within the expectation of these individuals that their personal data would be put into the public domain. This information is classed as personal data of a third party. Therefore, it is being withheld in accordance with the exemption set out in section 40(2) of the FoIA, by virtue of section 40(3)(a) of the FoIA, which permits a public authority to withhold personal data other than the requestor's where the disclosure would breach Data Protection principles.

This information is protected by the Data Protection Act 2018 (DPA)/UK General Data Protection Regulations, as its disclosure would constitute unfair and unlawful processing and would be contrary to the principles and articles of the UK GDPR. This exemption is absolute and therefore, there is no requirement to apply the public interest test.

In reaching this decision, the DPA and UK GDPR define personal data as data that relates to a living individual who can be identified solely from that data or from that data and other information, which is in the possession of the data controller.

However, whilst operating in accordance with the Section 45 Freedom of Information Code of Practice, the UHB has a duty to provide advice and assistance and provides the accessible information it holds below.

The UHB has applied an exemption under Section 21 of the FoIA to questions 1 and 3, as the information requested is accessible by another means. The costs paid for compensation claims, and the top five (5) payments are contained within the UHB's annual reports for the 2021/22 to 2023/24 financial years, which are available on the UHB's website and can be accessed via the link provided below:

[Annual reports - Hywel Dda University Health Board](#)

However, for ease of reference, the links to the three (3) annual reports have been provided below along with the relevant page numbers:

2021/22 - page 368 - [hduhb.nhs.wales/about-us/your-health-board/board-meetings-2022/annual-general-meeting-agenda-and-papers-28th-july-2022/agm-agenda-and-papers-28th-july-2022/hywel-dda-uhb-annual-report-and-accounts-2021-22-bilingual/](https://www.hduhb.nhs.wales/about-us/your-health-board/board-meetings-2022/annual-general-meeting-agenda-and-papers-28th-july-2022/agm-agenda-and-papers-28th-july-2022/hywel-dda-uhb-annual-report-and-accounts-2021-22-bilingual/)

2022/23 - page 517 - [hduhb.nhs.wales/about-us/your-health-board/board-meetings-2023/annual-general-meeting-agenda-and-papers-28-september-2023/agm-papers-28-september-2023/2-hywel-dda-uhb-annual-report-and-accounts-2022-23-bilingual-pdf/](https://www.hduhb.nhs.wales/about-us/your-health-board/board-meetings-2023/annual-general-meeting-agenda-and-papers-28-september-2023/agm-papers-28-september-2023/2-hywel-dda-uhb-annual-report-and-accounts-2022-23-bilingual-pdf/)

2023/24 - page 249 - [Binder1.pdf](#)

Additionally, it is the UHB's intention to publish details of its 2024/25 annual report in due course, once it has been finalised. Therefore, this information is exempt under Section 22 of the FoIA, which states that information is exempt if it is intended that the information held by the public authority will be published at a future date.

This exemption is qualified and therefore, if information falls within Section 22, public authorities must apply a public interest test. The information can only be withheld if the public interest in maintaining the exemption outweighs the public interest in disclosure.

The UHB has therefore considered the following:

In favour of disclosure: There is a public interest in the UHB being open and transparent. The UHB's expenditure is a popular topic of discussion, with a significant amount of public interest. Due to the interest in the topic, it is within everyone's interests that financial information is shared, and that the public be kept informed of the manner in which the UHB opts to spend public funds.

Against Disclosure: The information being requested is currently being finalised and is to be published over coming months. The UHB has a duty to ensure it has appropriate time to consider the impact and issues arising from the UHB's financial position and disclosure of the information in its current form, which is not fully evaluated and quantified, could attract negative opinion. It is the UHB's opinion that providing information before it has been fully assessed and evaluated could

cause the public's anxieties to be exacerbated, which in turn, could harm the UHB's relationship with its communities.

Decision: The UHB considers that the public interest in withholding the requested information at this time is greater than the interest in disclosing it, as the attention drawn from the disclosure could cause harm to the UHB and it is therefore applying a Section 22 exemption.

2. A Section 40 exemption has been applied to this part of your request.
3. Exemptions under Section 21 and 22 of the FoIA have been applied. Please see response to question 1.
4. A Section 40 exemption has been applied to this part of your request.

However, the UHB provides within the table overleaf, the total number of claims opened, closed and those closed with costs/damages awarded, by claim type, as recorded on the Datix Incident and risk reporting system and Workforce system, for the 2022/23 to 2024/25 financial years.

Claim type	Opened	Closed	Closed with costs/damages
Clinical negligence	390	61	16
Personal injury	53	19	8
Industrial injury	20	20	8
Redress	320	53	14
Total	783	153	46

5. The UHB provides within the table below, the classification of the claims recorded, by claim type. Please note:- the classifications for clinical negligence claims are alleged and not confirmed.

Claim type	Classification of claim
Clinical negligence	Access, Admission Treatment, Procedure Assessment, Investigation, Diagnosis Medication, IV Fluids Accident, Injury Maternity adverse occurrence Patient/service user death Pressure Damage, Moisture Damage Communication Records, Information Transfer, Discharge
Personal injury	Accident, injury Accident, Injury / Pothole Ill health (work related) Behaviour (including violence and aggression) Data Records, Information Equipment, Devices Infrastructure (including staffing, facilities, environment, security) Communication

	Treatment, Procedure
Industrial injury	Assault by patient Slips Covid related illness acquired in work Musculoskeletal injury
Redress	Assessment, Investigation, Diagnosis Patient/service user death Consent, Mental Capacity Act (including DoLS) Communication Maternity adverse occurrence Accident, Injury Treatment, Procedure Access, Admission Pressure Damage, Moisture Damage Monitoring, Observations Medication, IV Fluids Transfer, Discharge Nutrition, Hydration Equipment, Devices Information Governance, Confidentiality

6. The UHB provides within the table below, the total number of personal and industrial injury work related claims, brought by members of staff during the 2022/23 to 2024/25 financial years. These figures exclude Employment Tribunal/Settlement/COT3 Agreements, per the Section 40 exemption described above.

Financial year	Number
2022/23	16
2023/24	18
2024/25	16
Total	50

7. The UHB provides within the table below, the number of claims brought by members of the public and patient/service users, for all claim types during the 2022/23 to 2024/25 financial years. Please note:- that some members of the public may be staff members, but the claim has been brought as a member of the public.

Financial year	Number
2022/23	182
2023/24	254
2024/25	297
Total	733