

Reference:	FOI.15997.24
Subject:	Compensation claims
Date of Request:	18 November 2024

Requested:

We are seeking the following information for a full year 2018-2019:

1. What is the most common missed fracture in your health board for which compensation claims have been made?
2. For that year, please provide a breakdown of:
 - a. The type of fracture that was missed (e.g. Scaphoid, Hip etc....)
 - b. The number of compensation claims made regarding missed fractures
 - c. The amount of compensation paid for each case

Response:

1. Hywel Dda University Health Board (UHB) confirms that during the 2018/19 financial year, hip fractures were the most common missed fracture for which compensation claims were made.
- 2a. The UHB confirms that during the 2018/19 financial year, there were missed hip, knee, jaw, T12 compression and wrist fractures, for which compensation claims were made.
- 2b. The UHB confirms that six (6) compensation claims were made regarding missed fractures, during the 2018/19 financial year.
- 2c. The UHB is unable to provide you with the information broken down as requested, due to the low number of cases, as there is a potential risk of identifying individuals if the amount of compensation paid for each case was disclosed. Therefore, the UHB is withholding these details under Section 40(2) of the Freedom of Information Act 2000 (FoIA).

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, the UHB provides within the table below, the total compensation paid for missed fractures during the 2018/19 financial year.

Type of payment	Cost
Damages	£113,232.00 (£7,000.00 was settled under NHS Redress Arrangements)
Claimants' costs	£93,700.00
Solicitors' costs	£1,920.00 (settled under NHS Redress Arrangements)